POPULAR HISTORY OF UTAH

ORSON F. WHITNEY

Scott Hanley.

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Popular History of Utah

BY ORSON F. WHITNEY

Complete in One Volume
ILLUSTRATED

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1916

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Preface

It has fallen to my lot to prepare for publication three histories of Utah. The earliest and largest, consisting of four volumes, published in elegant and expensive style, had of necessity but a limited circulation. Nevertheless it may be found in many homes throughout the State, and upon the shelves of leading libraries in various parts of the land.

The second history was written at the request of local educators, for use in the grammar grades of the public schools. Prepared in haste to meet an urgent demand, "The Making of a State" did not aim to give a complete presentation of the subject, though all salient points, social, political and industrial, were touched upon in its pages. Controversial matters were purposely omitted, for the sake of good feeling between "Mormon" and "Gentile" children attending those schools.

The work now issued represents the realization of a desire to produce a history of Utah complete in a single volume, one that could be sold at such a figure as to place it within the reach of all. Moreover, it was my wish to make clearer certain points imperfectly presented in my first production. The period during which it was compiled—that of the anti-polygamy crusade—was one of strife and turmoil; books and documents had been confiscated or were scattered; and sources of information were not accessible nor so plentiful as they are at the present time. Consequently I labored at a great disadvantage.

The difficulty of writing contemporaneous history, amid the heat and stress of happenings involved in the narrative, is one recognized by all intelligent minds. That I have experienced this difficulty, I admit. Never at any time, however, have I purposely misrepresented anybody or anything. I write from the "Mormon" viewpoint, but not as an Anti-"Gentile." I have none but friendly feelings toward all the people of Utah, regardless of sect, party, color, or creed. This is the story of my native State—a record of the facts as I behold them; and "with malice toward none," and "with charity for all," I send it forth upon its mission.

ORSON F. WHITNEY.

Salt Lake City, October, 1916.

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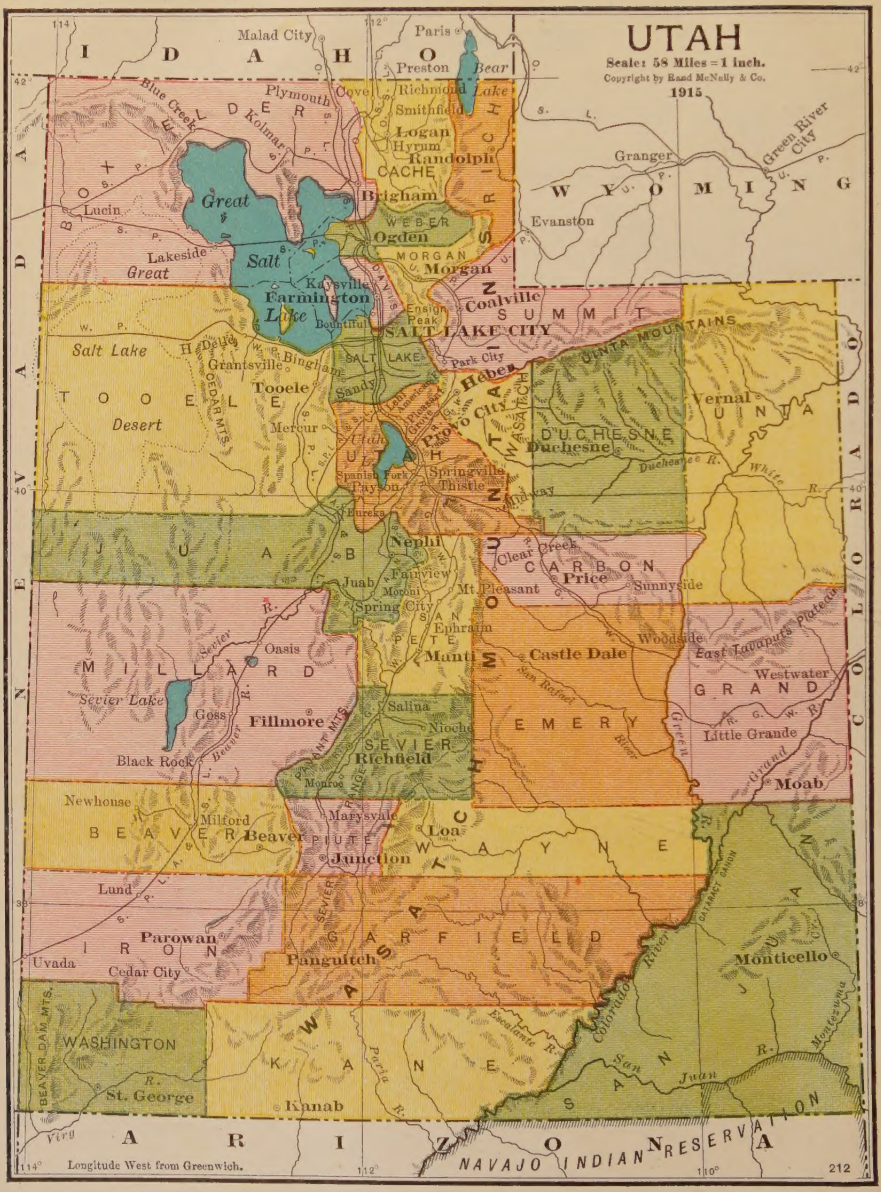
UTAH
Scale: 58 Miles = 1 inch.
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1915
IDAHO
WYOMING
COLORADO
NEVADA
ARIZONA
Malad City
Paris
Preston
Bear Lake
Plymouth
Cove
Richmond
Smithfield
Logan
Hyrum
Randolph
CACHE
RICH
Blue Creek
Kolmar
Great Salt Lake
Lucin
Brigham
WEBER
Ogden
Lakeside
Farmington
Bountiful
Kaysville
MORGAN
Morgan
Granger
Green River City
Evanston
Coalville
SUMMIT
Ensign Peak
SALT LAKE CITY
Salt Lake
Grantsville
Bingham
SALT LAKE
Park City
Heber
UINTA MOUNTAINS
Vernal
UINTA
TOOELE
Tooele
Desert
Mercur
Provo City
Provo
Utah Lake
DUCHESNE
Duchesne
Duchesne R.
White R.
Spanish Fork
Payson
Springville
Thistle
Eureka
Nephi
Juab
Fairview
Moroni
Spring City
Clear Creek
CARBON
Price
Sunnyside
Mt. Pleasant
SAN PETE
Ephraim
Manti
Castle Dale
Woodside
East Tavaputs Plateau
Westwater
GRAND
Little Grande
Moab
Oasis
MILLARD
Sevier Lake
Goss
Fillmore
Salina
Nioche
SEVIER
Richfield
EMERY
San Rafael River
Grand R.
Black Rock
Monroe
Newhouse
Milford
Marysvale
BEAVER
Beaver
PIUTE
Loa
WAYNE
Junction
Lund
Parowan
IRON
Uvada
Cedar City
GARFIELD
Panguitch
Monticello
SAN JUAN
Colorado River
Grand Canyon
WASHINGTON
BEAVER DAM MTS.
St. George
Virgin R.
KANE
Kanab
Escalante R.
Paria R.
San Juan R.
Montezuma Creek
NAVAJO INDIAN RESERVATION
Longitude West from Greenwich.
114°
112°
110°
212

WHITNEY'S
Popular History of Utah.

I.

THE HEART OF THE DESERT.

1540-1847.

The Great Basin.—West of the Rocky Mountains, that mighty continental barrier, divider of streams flowing toward the Pacific from waters that seek the Atlantic through the Mississippi and the Gulf of Mexico, there is a broad stretch of arid country called "The Great Basin;" a name given to it by Fremont the explorer. It was the driest and most desolate part of a region once known as "The Great American Desert," extending from what is now Western Colorado to Southeastern California, and from British America to Mexico.

Character of the Country.—The Great Basin is an elevated intermountain plain, spreading five or six hundred miles east and west, and eight or nine hundred miles north and south. Its eastern rim is in the Wasatch Mountains, twenty to thirty miles east of Salt Lake Valley; its western limit is the Sierra Nevada system. It narrows on the north toward the Blue Mountains of Oregon, and converges on the south into Lower California. Though described as a plain or plateau, the country is far from level. Much of it is broken and irregular, being crossed, mostly north and south, by numerous smaller mountain ranges, and containing a number of sinks or lakes, the waters of which have no visible outlet. It comprises about 210,000 square miles—the largest closed drainage area in North America. The altitude of much the larger part of the Basin is about four thousand feet above the level of the ocean.*

*The Great Basin, as a descriptive term, is deemed by some a misnomer. Hubert Howe Bancroft, the Pacific States historian, thought the term "Great Gridiron" would have better described this mountain-walled, rock-ribbed wilderness. It is not a single depression, but a number of depressions considered as one because it sends no stream beyond its borders.

Dean W. R. Harris, in his scholarly work, "The Catholic Church in

A Prehistoric Sea.—It is believed, and the belief is confirmed by geological signs, such as the remains of ancient beaches and river deltas, that the whole of this wide, dry area was once the bed of an inland sea, communicating with the Pacific. Many of the mountain tops were then submerged, while others were islands, laved or lashed by the billows. The canyons were connecting waterways between various parts of that prehistoric sea, the main body of which disappeared before the foot of the European pressed the soil of the New World. The remnants of it are found in several smaller basins, parts of the Great Basin, holding the sinks or lakes mentioned. The most important one is the basin or valley of the Great Salt Lake.

Concerning the ancient shore lines found in this region, Dr. James E. Talmage, the Utah geologist, says: "The deltas of the Logan River form a series of sloping terraces extending downward from the mountain face. Each delta indicates the partial destruction of earlier depositions above. In Salt Lake Valley the delta formed by City Creek * * * reveals itself as high benches through which the stream has kept for itself a passage. Wave-action appears to have been unusually strong at this place, and consequently the typical delta form is considerably modified. The delta constructed by the Provo River in Utah Valley covers over twenty thousand acres, and another occurs a few miles to the south—the work of the Spanish Fork stream—with an area of eight thousand acres."

Lake Bonneville.—The great body of water that once ex-

Utah," thus describes the Great Basin: "This colossal inland depression takes in the western half of Utah, including Sanpete, Sevier, Summit, and Utah counties, and includes almost the entire State of Nevada. In southeastern Oregon the Basin absorbs a large territory and steals a portion of land from southeastern Idaho and southwestern Wyoming. It passes into California, extending along its eastern border, and, leaping to the southern end of the State, collects Imperial Valley, San Diego County, and portions of Lower California into its tremendous maw. Towards the east it touches the drainage basin of the Colorado River, and on the west it is bounded by the basins of the San Joaquin the Sacramento, and many lesser streams. The crest of the huge Sierra Nevada forms the great divide for the falling and flowing waters, and further south towering mountains hold its drainage within this territory. Within the Basin are pleasant valleys, whose alluvial slopes and floors were raised by the detritus accumulating for uncounted ages from the surrounding mountains. Here, too, deserts of repellant aspect were formed, and among them are the Great Salt Lake and Carson desolations of sand and alkali, the Colorado and the burning Mojave of the southwest. The Sevier, the Ralston, the Amagosa and the Escalante wastes of sand occupy their own places in this marvelous formation, but are of subordinate importance. Enclosed within the Basin are the dreaded Death Valley, the Salton Sink and Coahuila desert, all of them lying below the face of the Pacific."

isted here, or the bed that it once occupied, is known as a fossil sea, and bears the name "Lake Bonneville," in honor of an early explorer. This name, given by Washington Irving to the existing Lake, was subsequently bestowed upon its dead ancestor by Grover Karl Gilbert, an American scientist, whose report to the United States Government (1877-1878) is the accepted standard work on the geological history of the Great Salt Lake. According to Gilbert, Lake Bonneville did not cover the whole of the Great Basin, but only the Utah part of it. In Nevada there was a similar lake, La Hontan.*

General Features and Divisions.—Only the western half of Utah is in the Great Basin. The State is divided, from northeast to southwest, by the Wasatch Mountains and their southern extension of hills and plateaus. East of that natural wall lies the region drained by Green and Grand rivers, affluents of the Colorado. To the west spreads the Great Salt Lake, with its neighboring desert; the former wholly within Utah, the latter reaching into Nevada. Eastward from and forming a spur of the Wasatch, are the Uintah Mountains; while west of the Wasatch and parallel with that range, are

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*Dr. Talmage, whose interesting work, "The Great Salt Lake—Past and Present," is drawn upon for accompanying data, names as the principal divisions of Lake Bonneville: (1) The main body, comprising the area of the existing Lake and that of the Salt Lake Desert; (2) Cache Bay to the north; (3) Sevier Bay, and (4) Escalante Bay, to the south. The ancient channel of the Bonneville outlet was discovered on the northern rim of Cache Valley, at Red Rock Pass, near Oxford, Idaho. "The honor of this discovery," says Talmage, "is accorded to Gilbert, though Peale has disputed Gilbert's rights of priority on the basis of Bradley's suggestion, made in 1872. Bonneville River flowed through Marsh Valley, being joined in this part of its course by the Portneuf. The combined streams then followed Portneuf Pass to Snake river, then to the Columbia. Above its junction with the Portneuf the Bonneville River must have equalled and possibly exceeded in size the Niagara." The same authority states that Lake Bonneville, when at its highest level, had an extreme north and south length of three hundred miles, and a greatest east and west extent of one hundred eighty miles, presenting an area of 19,750 square miles.

Major John W. Powell, the intrepid explorer of the Colorado River, in his report to the Federal Government (1880-1881), gives the following historical outline of Lake Bonneville: "First the waters were low, occupying, as Great Salt Lake now does, only a limited portion of the bottom of the basin. Then they gradually rose and spread, forming an inland sea, nearly equal to Lake Huron in extent, with a maximum depth of 1,000 feet. Then the waters fell, and the Lake not merely dwindled in size, but absolutely disappeared, leaving a plain even more desolate than the Great Salt Lake Desert of today. Then they again rose, surpassing even their former height, and eventually overflowing the basin at its northern edge, sending a tributary stream to the Columbia River; and, last, there was a second recession and the waters shrunk away, until now only Great Salt Lake and two smaller lakes remain."

the Oquirrhs and other lines of hills. Southern Utah generally is diversified with rocky ranges, broken ridges, valleys and plateaus.

Great Salt Lake.—The Great Salt Lake is one of the most interesting natural objects in all the West. Extending along the base of the Wasatch Mountains north and south, a distance of about seventy-five miles, it has a width of nearly fifty miles, and in places a depth of forty or fifty feet. Jutting up from the surface is a group or chain of mountain islands, partly submerged peaks, a continuation of neighboring ranges. These islands are nine in number, and are named as follows: Antelope, Stansbury, Carrington, Fremont, Gunnison, Dolphin, Mud, Strong's Knob, and Hat or Egg Island. The Lake, as stated, has no visible outlet; its waters, which are eight times brinier and consequently far more buoyant than those of the ocean, evaporate to the clouds or sink into subterranean depths. Owing to the intense saltness of these waters, fish cannot live in them. They were once supposed to have no life, but a small brine shrimp and three kinds of insects have been found therein.

THE BRINE SHRIMP.

Other Water Bodies.—Into the Great Salt Lake flows the Jordan River, a narrow, winding stream, the outlet of Utah Lake, forty miles southward. The connection of these two lakes, one salt and the other fresh, by a river, added to the general contour of the country, suggests a comparison between Utah and the Land of Palestine. The Great Salt Lake has been called "The Dead Sea of America."

Utah's lakes are mainly in the north. Of the fresh water bodies, Utah Lake and Bear Lake are the most notable. Bear Lake is partly in Idaho. Sevier Lake is a shallow brackish sink in Central Utah, and Little Salt Lake, a smaller sheet farther south. The rivers that feed these natural reservoirs are formed mainly by melted snows from the mountains. Away up near the snow-capped summits are still smaller fresh lakes, from which flow clear, ice-cold waters, tumbling over high

cliffs, forming beautiful cascades, falling into deep ravines, into deeper gorges called canyons, and finally flowing out upon the thirsty, sun-parched plains. Hot and warm mineral springs, with healing waters, gush forth in places at the foot of the snow-crowned ranges.

Still a Desert—Wild Growths—Fertile Spots.—The term "desert," formerly applied to this now promising and productive region, was not a misnomer. Desert it was, uncultivated, uninhabited; and desert it is, in many parts, despite the wondrous changes that time and toil have wrought. Tillage, aided by irrigation, has done much to redeem the waste and render it fruitful, but much more remains to be done before the ancient desert shall finally disappear, and the phrase "Arid America" become obsolete.

Trees are found among the mountains and along the water courses, but these are few and far between. In the canyons are groves of cottonwood, quaking asp, maple, cedar, and pine, and during spring and early summer rich grasses and wild flowers cover the sides of the ravines. But the valleys, when first settled, save for light fringes of verdure timidly following the trail of winding streams across sterile plains, had neither groves nor grass to hide their nakedness. Like the rocky hillsides, they were utterly bare, or clothed only with sagebrush, sunflowers, and other wild growths, withering in the heat of the sun.

Along the bases of the hills, where deposits from crumbling rocks mingle with the debris of the plains, the soil is naturally productive, and when irrigated brings forth abundantly. In other parts it is either pure desert, hopelessly barren, or so devoid of moisture and so strongly impregnated with salt and alkali, that cultivation is almost impossible.

Climate, Scenery, and Resources.—Utah is in the North Temperate Zone, between parallels 37 and 42 north latitude, and 109 and 114 west longitude. The climate is healthful and delightful. The mountains around the valleys ward off the keen wintry winds, and the rarity of the high atmosphere modifies the summer heat. The average annual rainfall is about twelve inches. In southwestern Utah—the Valley of the Rio Virgen—the climate is semi-tropical.

The Utah scenery will compare with any in the world. Here are mountains as grand as the Alps of Switzerland, and sunsets more gorgeous than those of Italy and Greece. In the south are marvelous canyons, mammoth stone bridges, and giant monoliths, master-works of nature, worthy to be classed with the wonders of all time. The lakes and mountain gorges will always be a source of delight to poets, painters, and lovers of the beautiful.

The land, in spite of its dryness, is one of rich and varied resources. Where agriculture has succeeded, vast quantities of cereals are raised, with all varieties of fruits and vegetables common to the North Temperate Zone. The mountains are nature's treasure vaults, containing inexhaustible deposits of precious and useful metals. Gold, silver, lead, copper, iron, coal, and a hundred other minerals are found. The mountains and lakes could furnish salt and soda to supply a continent. From the quarries come marble, onyx, granite, and all kinds

SUNSET ON THE GREAT SALT LAKE.

of building stones, for the construction of temples, churches, school-houses, stately public edifices and handsome private homes, which now adorn and beautify the land.

Previous Conditions.—When the Pioneers entered this region, however, it was a wilderness, a desolation, scorched by the sun and trodden by the roving red man, sharing with wild beasts and venomous reptiles these all but silent solitudes. Of the hunters and trappers of earlier times, there remained but a few straggling mountaineers, living in lonely log forts with their Indian wives and half-breed children, baiting the bear, trapping the beaver, and guiding the occasional emigrant train or chance traveler to or from the western ocean. Prior to 1847—the first year of pioneer occupancy—a few thousand Americans had settled among Indians and Spaniards on the Pacific Coast; but none had settled here. Salt Lake Valley, with its surroundings, was a region coveted by none, shunned by all.

"A Vast, Worthless Area."—What was thought at that time of the West by the people of the East, is told in a speech

said to have been delivered by Daniel Webster on the floor of the United States Senate. Someone had proposed the establishment by the United States Government, of a mail route from Independence, Missouri, to the mouth of the Columbia River; and Webster opposed the movement in these words: "What do we want with this vast, worthless area—this region of savages and wild beasts, of deserts, of shifting sands and whirlwinds of dust, of cactus and prairie dogs? To what use could we ever hope to put these great deserts, or those endless mountain ranges?"*

Yet it was to the very heart of this "vast, worthless area, this region of savages and wild beasts," that the Pioneers of Utah made their way. Here, upon Mexican soil, in the tops of the Rocky Mountains, in the midst of the Great American Desert, they lifted the Stars and Stripes, and laid the foundations of an American State.

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*In much the same vein Senator McDuffie, of South Carolina, ridiculing, in 1843, the idea of a railroad to the Great West, exclaimed: "What is the nature of this country? * * * Of what use will it be for agricultural purposes? Why, I would not for that purpose give a pinch of snuff for the whole territory. I thank God for his mercy in placing the Rocky Mountains there."

II.

THE FIRST INHABITANTS.

Native Tribes.—Who were the first dwellers in the desert—the earliest human beings to inhabit this once lonely and desolate land? A question for the archæologist, rather than for the historian. So far as known, the original occupants of the region now embraced within the State of Utah were roving Indian tribes, the aborigines of America. Opinions are divided as to whether these included the Cliff Dwellers, a strange and interesting people the remains of whose work may be seen in recesses of the rocks in Southern Utah and other parts. Some authorities identify them with the Moquis and Hopis of Arizona, while others give them a much greater antiquity than any existing red race can boast. This much may be said: The Cliff Dwellers were here long before the savage tribes that were found by the Pioneers. Utah was named after one of those tribes.

It has been supposed that that wonderful Indian race, the Aztecs, who founded in Mexico the empire of the Montezumas, on their way thither from Azatlan, an unknown country in the north, halted for a long period upon the shores of the Great Salt Lake. If the supposition be correct, their presence here was prior to 1195 A. D., about which time the Aztecs reached the Valley of Mexico.*

Utes and Shoshones.—Unlike the Aztecs, the Utahs or Utes were a degraded people. They neither built cities nor founded empires, but dwelt in caves and wigwams, and lived mainly by fishing and hunting. Part of their food was wild roots dug from the ground, and nuts and berries picked from bushes growing by the mountain streams. They also ate crickets and grasshoppers (locusts).† The Utes were a warlike race, and often fought fiercely among themselves. Their most hated foes were the Shoshones or Snake Indians, who roamed over a region east and north of the Great Salt Lake, while the Utes inhabited the country south. They ranged over an area extending from California to New Mexico. The Utes were divided into several bands under different chieftains, "united by a common language and affinities." They cherished many traditions pointing to prominent events in the

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*James D. McCabe, "History of the World," p. 1234.

†The crickets were driven by swarms into fires, and thus roasted. The grasshoppers were dried in the sun, and then pounded into meal, from which cakes were made, said to be tasteful and not at all unwholesome, even to white men who were at times feasted upon them, not knowing of what they were composed.

world's history, such as the Creation, the Flood, and the Resurrection of Christ."*

Spanish Explorers—Coronado—Cardenas.—The first white men who are known to have entered the Utah region, were a small party of Spaniards, soldiers in the army of Francisco Vazquez de Coronado, the explorer of New Mexico. This was in the year 1540. What is now Utah was then a part of Mexico, and Mexico belonged to Spain. Coronado, having been appointed governor of Nueva Galicia, headed an expedition northward in search of Cibola and the Seven Cities, concerning which a Spanish priest, Marcos de Nizza, had reported to the Mexican authorities. While in New Mexico, Coronado heard of a great river to the northwest, and sent Captain Garcia Lopez de Cardenas, with twelve men, to explore it. By way of the Moquis villages, Cardenas and his comrades came as far as the south bank of the Colorado, but did not cross the river. They soon returned to report to their commander at Cibola (Zuni).

PUEBLO HOMES.

Escalante and Dominguez.—In July, 1776, two Spanish friars of the Franciscan order, Father Sylvestre Velez de Escalante and Father Francisco Atanasio de Dominguez, set out with seven men from Santa Fe, in quest of a direct route to

*See James Linforth's "Liverpool Route," published in 1855; also a pamphlet issued by Dimick B. Huntington, Indian interpreter, in 1872, and reproduced in the "Improvement Era" for October, 1914.

Monterey, on the California sea-coast. Monterey had then been founded about six years, while Santa Fe had entered upon the latter half of its second century. The California town having become a port of entry for goods shipped from Spain and southern Mexico, it was desirable that a road should be opened for the transmission of troops and supplies from that point to the New Mexican capital. Escalante, who had seen missionary service among the Indians, believed that such a road "could be discovered by passing west by northwest through the land of the Yutas." He convinced the Governor of New Mexico that the project was feasible, and he and his brother priest were placed at the head of an expedition having that discovery in view. The route they were looking for was an old Spanish trail leading westward from Taos.

From Santa Fe to Utah Lake.—Pursuing a devious northwesterly course, the two Franciscans, with their party, traversed what is now Western Colorado, and crossed White River, flowing west, near the Utah line. After passing Green River, ascending the Uintah, and reaching the Wasatch Mountains, they came upon the headwaters of Provo River, or one of the neighboring streams, and followed it down to Utah Lake.

The Spaniards were kindly received by the native "Yutas" ("Timpanois") living in willow huts in the valley, but could learn nothing of a route to the sea, nor of white settlers in all the surrounding region. They were told of a valley to the northward, in which was a wonderful lake of salt water, upon whose shores dwelt "a numerous and quiet nation"—the Puaguampe or Sorcerers, speaking the language of, but not otherwise emulating the hostile Comanches, whom the Yutas greatly dreaded. The Puaguampe were also called Snake-eaters, and were probably identical with the Snakes or Shoshones of later times.

A DANCING UTE.

Escalante described Utah Valley—north of which he did not go—as level, and, excepting the marshes on the lake shore, arable. The Spaniards

named the Jordan River Santa Ana. Bear, deer, and buffalo ranged the region freely, and the bounding jack-rabbit was also plentiful. The streams were filled with fish, and the marshes with wild fowl.

Expedition Abandoned.—Late in September the exploring party, with two native guides, resumed their journey. Passing down the Sevier River, which they christened Santa Isabel, they skirted the eastern shore of Sevier Lake, and crossing Beaver River and the adjacent mountains, visited the valley now bearing the name of Escalante. There, owing to the exhaustion of their food supplies, and discouraged by their failure to learn anything of an open route to the Pacific, they reluctantly abandoned the expedition. Traveling eastward toward the Colorado, purchasing as they went seeds from the natives with which to make bread, they came to the bank of the great river, and found, after much difficulty, a ford near where Utah and Arizona now divide. Crossing the Grand Canyon, and passing thence by way of the Moquis villages, they reached Zuni, and in due time Santa Fe.*

La Hontan.—The first white man to hear of the Great Salt Lake—if credence may be given to his rather fanciful narrative—was Baron La Hontan, Lord-Lieutenant of the French colony at Placentia, Newfoundland. His story, published in English in 1735, tells how, in 1689, he sailed up "Long River," described as an affluent of the Mississippi, for a period of six weeks, passing through various savage tribes until he came near the nation of the "Gnacsitares." There he met four captive slaves, "Mozeemleks," who gave him an account of the country from which they came. Their villages, they said, stood upon a stream springing out of a ridge of mountains where Long River took its rise. The Mozeemleks were "numerous and powerful." La Hontan was told that, a hundred and fifty leagues from where he stood, their principal river flowed into a salt lake, three hundred leagues in circumference, by thirty in breadth, the mouth of the river being two leagues wide. Along the lower part of the stream were "six noble cities," and more than a hundred towns, great and small, surrounded "that sort of sea." The lake was navigable for boats. The despotic government of the land was "lodged in the hands of one great head," to whom the rest paid "trembling submission."

Fremont, the Pathfinder.—Captain John C. Fremont, sur-

*The Journal or Diario of Father Escalante, kept during his journey to and from Utah Lake, is preserved in the National Library of the City of Mexico. H. H. Bancroft draws upon it in part for his History of Utah, and Dean Harris, in his work, presents what is claimed to be the first English translation of the entire document.

named "The Pathfinder," came to the shores of the Great Salt Lake in the autumn of 1843, after crossing the Rocky Mountains on his second exploring expedition to the West. The year before he had ventured only as far as South Pass. Accompanied by "Kit" Carson and others, he now entered "The Great Basin," and on the sixth of September, from the crest of an elevated peninsula (Low Mountain), a little north of Weber River, caught his first glimpse of America's "Dead Sea." Launching his rubber boat he explored Fremont Island, named by him Disappointment Island, because he failed to find there the fertile fields and abundant game he had anticipated.* Fremont seems to have thought it probable that he was the first white man, if not to see, at least to use a boat upon, this remarkable body of water. The Lake, however, had been discovered and boats launched upon it many years before the Pathfinder appeared upon the scene.

CAPTAIN FREMONT.

The Fur Hunters—James Bridger.—Early in the nineteenth century this region had been overrun by British and American fur hunters, one of whom, James Bridger, commonly known as Colonel Bridger, claimed to have discovered the Lake in 1825.†

Bridger was then trapping on Bear River. In order to

*Disappointment Island was renamed Fremont Island by Captain Howard Stansbury, U. S. A., in 1849.

†John Jacob Astor, of New York City, was the patriarch of the fur trade in the United States. As told by Washington Irving, in his entertaining volume "Astoria," Astor founded the American Fur Company, in 1808-1809, and later established Astoria, an Indian trading post, at the mouth of the Columbia River. His plan was to have a line of such posts along the Missouri and the Columbia, with Astoria as the emporium or base of supplies. This was the first attempt by an American citizen to break the monopoly of the fur trade inherited by the British from the French at the conquest of Canada. Astor desired New York, instead of London, to be the main market for the lucrative trade in American peltries. He proposed to dispute the supremacy of the British fur companies among the Indian tribes of the Great West, and at the same time form a friendly alliance with the Russian Fur Company, which supplied St. Petersburg and the Chinese Empire with the prod-

decide a wager among his men, as to the probable course of that stream, he followed it through the mountains to the lake shore. In 1827 four men explored the Lake with skin boats, and reported that it had no outlet. Many supposed it to be an arm of the Pacific Ocean. Colonel Bridger established, on Black's Fork of Green River, a trading post known as Fort Bridger, the site of which is now in southwestern Wyoming

COLONEL BRIDGER.

Trappers and Traders.—Other names borne by various objects in this region were those of scouts, trappers and traders in early times. Among them may be mentioned Peter Skeen Ogden, of the Hudson Bay Company, and Etienne Provot, for whom Provo River was named. Weber River was christened for a trapper on that stream. General Ashley's name still clings to Ashley's Fork, and Major Henry's, to the Henry Mountains. Carson River, now in Nevada, took its name from Christopher ("Kit") Carson.

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ucts of this industry on American shores. Astoria, captured by the British during the war of 1812, became a trading post of the Northwest Fur Company, which retained possession of it after the war. The Northwest Company, after a ruinous competition with the Hudson Bay Company, another British concern, was merged into the latter organization, which thenceforth controlled most of the fur trade from Alaska to California, and from the Rocky Mountains to the Pacific Ocean. They removed their emporium from Astoria (Fort George) to Fort Vancouver, sixty miles up the Columbia River, and from that point continued to furnish their interior posts and send forth their brigades of trappers.

The American fur traders were at first content to follow up the head branches of the Missouri, the Yellowstone, and other rivers and streams on the Atlantic side of the Rocky Mountains. In 1822 General William N. Ashley, of St. Louis, with Major Andrew Henry, the first American to trap on the headwaters of the Columbia, founded a trading post on the Yellowstone, and during the following year pushed a resolute band of trappers into the Green River country. This attempt was succeeded by others, until in 1825 a footing was secured and a complete system of trapping organized west of the Rockies. In 1830 Ashley, with William Sublette, Robert Campbell, James Bridger, Thomas Fitzpatrick, Jedediah S. Smith and others, formed the Rocky Mountain Fur Company, which had at one time a fort on Utah Lake, then Lake Ashley. Ashley named Green River after one of his companions, and is said to have embarked upon that stream with a fleet of rafts loaded with peltries, thinking he could drift down to St. Louis.

Captain Bonneville.—In November, 1833, came Captain Benjamin Bonneville, U. S. A., whose adventures in the West were immortalized by Washington Irving. Of French parentage, but of American rearing, Bonneville was a graduate of West Point, and had been stationed at various military posts on the frontier, prior to undertaking his renowned expedition. Having obtained leave of absence, he enlisted over one hundred men, most of whom had had experience in the Indian country, and in May, 1832, set out from Fort Osage, on the Missouri River. Crossing the Rocky Mountains, he made a tour through the Northwest, and coming south, camped on Bear River. He wrote a description of the Great Salt Lake, and directed some of his men to explore it; but they wandered from their course, and at Monterey wasted their means in riotous living, much to the disgust of their commander. Bonneville had come west not merely for adventure, but to trade with the Indians on his own account, and to study their customs and the character of the country for the benefit of the Federal Government. He brought twenty wagons, loaded with Indian goods, provisions, and ammunition, and is believed to have been the first to use ox teams upon this line of travel.

CAPTAIN BONNEVILLE.

Bonneville's hope was to revive the American fur trade on the Columbia River, but he was hampered by the powerful influence of the Hudson Bay Company, which held almost absolute sway over the Indian tribes; a condition deemed perilous to the United States. The Company's representatives refused to sell supplies to Bonneville so long as he was conducting a rival enterprise, and it was this circumstance that compelled him to move southward.*

*Back from his expedition in 1835, the explorer, while at the country home of John Jacob Astor, met Washington Irving, and placed at the disposal of the great narrator his journals descriptive of his interesting experiences. The result was the publication, in 1837, of "The Adventures of Captain Bonneville." In honor of the captain, Irving named the Great Salt Lake, "Lake Bonneville," but history would not have it so, preferring that the ancient fossil sea should bear that name.

Missionaries and Emigrants—The Mirage.—In 1832 parties of missionaries, men and women, crossed the country to the Pacific Coast, and about that time a few American emigrants settled in Oregon. Not until 1841, however, did regular emigration to California begin.

Among the earliest to reach the future land of gold by way of the Utah region, were James Bidwell and Josiah Belden, both prominent in Western history of a later period. They recorded their impressions of the overland journey in a series of articles published in leading American magazines. They were wonder-struck by the phenomenon of the mirage, in the vicinity of the Salt Lake Desert, regarding which Captain Stansbury afterwards said: "The mirage, which frequently occurs, is greater here than I ever witnessed elsewhere, distorting objects in the most grotesque manner, defying all calculation as to their size, shape, or distance, and giving rise to optical illusions almost beyond belief."

International Dispute Over Oregon.—When the first Americans settled on the Pacific Coast, California, including Utah and Nevada, was a province of Mexico; while Oregon, embracing Washington, Idaho and other parts, was claimed by Great Britain and the United States. The dispute over the northwest boundary came very near bringing on a war between the two nations.*

The Overland Route.—Westward travel over the plains

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*The United States laid claim to the country west of the Rocky Mountains from the northern line of California to the southern boundary of Alaska, or the parallel of 54° 40′. Hence the phrase, "Fifty-four Forty or Fight," a Democratic political slogan of that period. The British claim extended as far south as the Columbia River.

Says Dr. Wilbur F. Gordy, an American historian: "We had several reasons for claiming Oregon. In 1792 Captain Gray, of Boston, discovered the Columbia River, which he named in honor of his ship; in 1805 Lewis and Clark explored this river, and in 1811 an American company established at its mouth the trading post Astoria. But we made a yet stronger claim by reason of the actual settlements which Americans planted there before 1845. These settlements began in a small way as early as 1832. * * * In this matter of planting settlements we had the advantage of England, because we were nearer the disputed territory. For a long time, to be sure, the English Hudson Bay Company had been out there making money in fur trading, but this company had planted no settlement. * * * The English Hudson Bay Company held only a small number of military posts and trading stations. The United States could therefore claim the country by right of actual possession."—"History of the United States," pp. 269, 270.

The controversy became serious, but a clash of arms was happily averted. In 1846, after a joint occupancy, each country, by treaty, gave up a part of its claim, and the boundary line was then fixed at 49°, where it still remains.

usually started from Independence, Missouri, which was then on the frontier of the United States. Most of the emigrants traveled in companies, for society, aid and protection. Those not already provided with outfits procured them on the frontier, each family requiring one or more covered wagons ("prairie schooners") loaded with provisions and supplies. As a rule the wagons were drawn by oxen, and four or five months were consumed in journeying over plains and mountains to the sea. The usual route of travel was up the Platte River, past Forts Kearney and Laramie, and thence along the Sweetwater and through South Pass. West of the Pass—now in Wyoming—those going to Oregon turned northward to Fort Hall; while those bound for California followed Bear River to within a few miles of the Great Salt Lake, and then, turning westward to Humboldt River, crossed the country to the Sierra Nevada.*

The Donner Party.—One of those early emigrant companies was extremely unfortunate. The Donner Party, as it was called, comprised eighty-seven men, women and children, led by George Donner and James F. Reed. They left Independence late in April or early in May, 1846, and in July reached Fort Bridger. There they tarried several days before setting out for California. The usual route from Fort Bridger was by way of Bear River, Fort Hall, and the northern shore of the Great Salt Lake; but another route, just beginning to be traveled, passed through Echo and Weber Canyons and around the south side of the Lake. This was called "The Hastings Cut-off," its projector being Lansford W. Hastings, a mountaineer and guide. Friends of Mr. Reed, who had preceded him to California, had written, warning him not to take the cut-off, but to travel by way of Fort Hall. That letter he never received. At Fort Bridger he and his companions were persuaded to follow the new trail as far as the foot of Echo Canyon, and there take another cut-off, up East Canyon, over the Wasatch Mountains, and down the gorge now known as Emigration Canyon.

The journey was exceedingly difficult. They were sixteen days in cutting a road through the mountains. Then came the crossing of the desert, where many of their cattle died for want of grass and water, while others wandered away or were stolen by Indians. Some of the wagons had to be left

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*Fort Kearney (Nebraska) was a Government post, and Fort Laramie (Wyoming) also became one, though formerly a station of the American Fur Company. Fort Hall (Idaho), an establishment of the Hudson Bay Company, though it was in the same region, is not to be confounded with the post now bearing that name.

behind. Delayed by these and other misfortunes, the ill-fated emigrants did not strike the main trail on the Humboldt until late in September, after the last companies of the season had gone by. Another month brought them to Truckee Pass, where early snows blocked the way. Some killed their cattle and went into winter quarters, while others delayed building cabins until heavier snows fell.

A Tragic Fate.—It was now December; their provisions were almost gone, and starvation stared the unfortunate travelers in the face. A number of them, putting on snow shoes, crossed the stormy mountains to New Helvetia (Sacramento); but before reaching there several died from cold, hunger, and exhaustion, and the others, in order to save themselves, ate the flesh of the dead. Relief parties were sent back to the main company, and most of them were saved; but thirty-nine of the original eighty-seven perished. The survivors, when found, had been living for weeks like cannibals. The last one was picked up in April, 1847, the same month that the Pioneers of Utah set out for the West.

III.

NINETEENTH CENTURY PILGRIMS.

1846.

The Latter-day Saints.—Utah owes her existence as a commonwealth to a movement similar in some of its phases to that which peopled New England with representatives of the Anglo-Saxon race. No history of the United States could be written without reference to the Pilgrims and Puritans; and no history of Utah would be possible without allusion to the Latter-day Saints, or "Mormons." This religious community sent forth the Pioneers who founded Utah, and it also furnished much the greater part of the immigration that subsequently built up the State. The principal achievements of the "Gentile," or non-Mormon portion of our people, though highly important, are of a later period than the work done by the Pioneers and those who followed immediately after them.*

JOSEPH SMITH.

Civilization Amidst Savagery.—Those early settlers were the vanguard of progress, the builders of empire in the barren heart of the West. They planted civilization in the midst of savagery, and to them, more than to any other people, owing to their unity, communal

*The Latter-day Saints are called "Mormons," because of their belief in the Book of Mormon, a record of prehistoric America, translated into English by Joseph Smith, who declared that it had been divinely revealed to him. The Book of Mormon refers to the people of Europe and America as "Gentiles." It is not an opprobrious term. Springing from "Gentilis," signifying "of a nation," it was used anciently to indicate those who were not of Israel, but who were descended from Japheth, son of Noah, whose son Shem was ancestor to the Hebrew patriarchs, Abraham, Isaac and Jacob. The word "Mormon," like the word "Christian," was originally intended as a term of reproach, but no such intent is in the use, by Latter-day Saints, of the word "Gentile."

spirit, and systematic methods, is due the redemption of "Arid America." Their industry and that of their successors made the desert Basin habitable. The founding of Utah greatly facilitated the settlement of the States now clustering around her.

The "Mormon" Exodus.—"Mormonism's" westward movement—referring now to the exodus of its adherents from the United States—began almost simultaneously with the outbreak of the Mexican War. The Church of Jesus Christ of Latter-day Saints—commonly known as the "Mormon Church"—was then about completing its sixteenth year. It had migrated successively from three States in the Union—New York, where it had its origin; Ohio, and Missouri. The removal from Missouri was compulsory; it was the result of religious and political differences between the "Mormon" people and other inhabitants of that State. Joseph Smith, the founder of the Church, who was born near Sharon, Vermont, December 23, 1805, fell a victim to mob violence at Carthage, Illinois, June 27, 1844. The next chapter in the checkered history of his followers was their exodus from Illinois—their enforced departure into the western wilderness.

That exodus began in February, 1846, and in April the Mexican War broke out. By that time the main body of the homeless people, with their heavily loaded wagons, after leaving Nauvoo, their main city, and passing the frozen Mississippi, were well on their way across Iowa, approaching the threshold of the wilderness. The purpose of the moving community was to find a new home in the West. About the middle of June their vanguard reached the Missouri River, and encamped temporarily at Council Bluffs, on the Pottawattamie Indian lands. There was no city—only the Bluffs, where Indian chiefs sometimes sat in council.

On the Threshold of the Wilderness.—The exiles were now upon the frontier, the extreme western fringe of civilization. Beyond lay the broad plains where the savage red man roamed, an immense tract of unoccupied country, out of which Kansas, Nebraska, the Dakotas, and other populous States or parts of States have since been formed. It was a portion of the Province of Louisiana, once held by Spain, but purchased, in 1803, from France by the Federal Government.*

*This was the greatest event in the administration of President Thomas Jefferson. Prior to that time the area of the United States was 837,844 square miles; the Louisiana Purchase added to it 1,171,931 square miles. After the purchase, which was for fifteen million dollars, and pursuant to a recommendation by the President to Congress, an exploring party of thirty men, under Lewis and Clark, started from St. Louis on a northwesterly journey to the Pacific Ocean. This was in 1804. The Lewis and Clark expedition acquainted

Farther west were the snow-capped summits of the Rocky Mountains, and farther still, the sunburnt valleys and dry plateaus of the Great Basin, separated from the Pacific Coast by the Sierra Nevada range. West of that rocky barrier the land was fertile, sloping down to the sea; but eastward, for many a weary league, it was a waste, almost treeless and waterless.

Mexican Possessions.—This arid, desolate region belonged to Mexico, which country had thrown off foreign rule (1812-21) and become an independent nation, inheriting the early Spanish dominions in North America. The present States of California, Nevada, and Utah were parts of the Mexican province of California, east of which was another province, New Mexico, including all or most of Arizona. Oregon, as already shown, was claimed both by Great Britain and the United States. The British also coveted California. Such was the posture of affairs in the West at the beginning of the war with Mexico.

The Mexican War.—The original cause of this conflict was the annexation of Texas, an act resented by Mexico, who suspected the United States of predatory designs upon her possessions. Hostilities began on the Texan frontier, where the victories of Palo Alto and Resaca de la Palma, won by General Zachary Taylor early in May, drove the Mexicans across the Rio Grande. There, in the opinion of many Americans, the war should have ended; but the majority of the Nation, and especially the South, bent upon extending slavery, had set its heart upon more. To acquire additional territory for future States, and to checkmate Great Britain in her ambitious designs upon California, the strife was permitted to continue. President Polk was authorized by Congress to call for fifty thousand volunteers, and the sum of ten million dollars was voted for war purposes.*

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the American people with the extent and richness of the Louisiana Purchase.

"Four nations—France, Spain, Great Britain, and the United States, were concerned in determining the boundaries of this territory. It was finally agreed that American Louisiana should extend from the Mississippi along the thirty-first parallel to the Gulf of Mexico, thence along the Red River up to the Arkansas, and thence north with the mountain chain to the forty-second parallel of latitude. The region practically included the present States of Louisiana, Arkansas, Missouri, Iowa, Minnesota, Kansas, Nebraska, Colorado, the Dakotas, Montana, Wyoming, and Indian Territory."—Edwin Emerson, Jr., "History of the Nineteenth Century," Vol. I, pp. 100, 101.

*General Grant, in his "Personal Memoirs," declares the Mexican War "one of the most unjust ever waged by a stronger against a weaker nation." Grant and his great antagonist, Lee, both served with distinction during the strife. James Russell Lowell, in the "Biglow Papers," reflects the New England sentiment against the war.

Government Aid Solicited.—Shortly before these events, and immediately prior to the beginning of the exodus from Illinois, an agent of the Latter-day Saints, acting under instructions from Brigham Young, who had succeeded Joseph Smith at the head of the "Mormon" community, went to the City of Washington to solicit government aid for his people. No gift of money or of other means was asked—only employment in freighting provisions and naval stores to Oregon or other points on the Pacific. That agent, Jesse C. Little, represented in his petition—presented after the exodus began—that many of his co-religionists had already left Illinois for California, and that thousands of others, in the United States and in the British Isles, would go there as soon as they were able.*

President Polk—Military Plans.—President Polk received Mr. Little kindly, and promised to do what he could for the homeless people. He referred to them as "loyal Americans," against whom he had no prejudice.

Just at this juncture the news reached Washington that General Taylor had fought two battles with the Mexicans, and these tidings determined the President upon taking immediate possession of California, and using some of the migrating "Mormons" as part of the force necessary for that purpose.

It was decided to strike Mexico at three points; General Taylor to continue operations along the Rio Grande; General Winfield Scott, the commander-in-chief, to invade Mexico from the Gulf Coast; while General Stephen Kearney, with a third army, marched overland to capture the Mexican provinces in the West. A portion of Kearney's force was to be recruited from the "Mormon" camps on the frontier.

The Call for the Mormon Battalion.—The first intimation had by the "Mormon" leaders respecting this purpose of the Government was the appearance at Mt. Pisgah, one of their temporary settlements in Iowa, of an army recruiting officer, Captain James Allen, who issued a circular, stating the authority under which he acted, and making known the wishes of General Kearney regarding the troops to be raised. Having been referred to headquarters at Council Bluffs, he at once proceeded to that point, to confer with President Brigham Young and his associates.

Captain Allen's "Circular to the Mormons" read as follows;

"I have come among you, instructed by Col. S. F. Kearney, of the U. S. Army, now commanding the Army of the West, to visit the

*"Upper California" was the specific name of the region to which the Latter-day Saints were migrating. By that title it became the theme of a well known "Mormon" hymn, sung on both sides of the Atlantic during the period of the early settlement of the Great Basin.

Mormon Camp, and to accept the services for twelve months of four or five companies of Mormon men who may be willing to serve their country for that period in our present war with Mexico; this force to unite with the Army of the West at Santa Fe, and be marched thence to California, where they will be discharged.

"They will receive pay and rations, and other allowances, such as other volunteers or regular soldiers receive, from the day they shall be mustered into service, and will be entitled to all comforts and benefits of regular soldiers of the Army, and when discharged, as contemplated, at California, they will be given gratis their arms and accoutrements, with which they will be fully equipped at Fort Leavenworth. This is offered to the Mormon people now—this year—an opportunity of sending a portion of their young and intelligent men to the ultimate destination of their whole people, and entirely at the expense of the United States, and this advance party can thus pave the way and look out the land for their brethren to come after them.

"Those of the Mormons who are desirous of serving their country on the conditions here enumerated, are requested to meet me without delay at their principal camp at the Council Bluffs, whither I am going to consult with their principal men, and to receive and organize the force contemplated to be raised.

"I will receive all healthy, able-bodied men of from eighteen to forty-five years of age.

"J. ALLEN, Captain 1st Dragoons.

"Camp of the Mormons, at Mount Pisgah, one hundred and thirty-eight miles east of Council Bluffs, June 26th, 1846."

Such was the origin of the call for the Mormon Battalion—five hundred able-bodied men, to assist the United States in its war with Mexico. Coming at such a time, and embodying a proposition so different from the one submitted by Agent Little at Washington, it created at first some consternation. A force of teamsters, with wagons, to freight stores and supplies, was one thing; a battalion of five hundred fighting men, quite another. In the midst of an exodus rife with dangers and hardships, the services of that number of men could ill be spared.

Ready to March—A Farewell Ball.—There was no hesitation. "You shall have your battalion, Captain Allen," said President Young, "and if there are not young men enough, we will take the old men; and if they are not enough, we will take the women;" a touch of grim humor tempering the sternness of his resolve. Colonel Thomas L. Kane, U. S. A., who came with Agent Little to the Bluffs, summarized the incident thus: "A central mass meeting for council, some harangues at the more remotely scattered camps, an American flag brought out from the storehouse of things rescued, and hoisted to the top of a tree-mast, and in three days the force was reported, mustered, organized, and ready to march."

The date of enlistment was the sixteenth of July. Five hundred and forty-nine persons, including several families of women and children who went with their husbands and fath-

ers, composed the Battalion. The five companies were commanded respectively by Captains Jefferson Hunt, Jesse D. Hunter, James Brown, Nelson Higgins, and Daniel C. Davis. A farewell ball in "Father Taylor's Bowery," an expansive arbor of poles and brush, where, to the music of violin, horn, triangle, bells and tambourine, "the glowing hours" of a midsummer afternoon were merrily chased and consumed, was followed by the inevitable sadness of parting.

Why Men Were Scarce.—A word here in explanation of the scarcity of able-bodied men in the "Mormon" camps. In the first place, not all the fugitives from Illinois had made or were making their way to the Iowa frontier. Many had gone to St. Louis, which city became almost a gathering place for the scattered people, an outfitting point for much of their overland emigration. In the next place, many heads of families, after starting for the frontier, had been compelled to leave their wives and children in tents and wagons on the prairie, while they went into Missouri to get work and win bread for those dependent upon them. Moreover, hundreds of the fugitives were aged, ill or infirm, and had to be cared for by the healthy and strong. In some instances, delicate women and children of tender years had been driving team and tending stock, owing to the limited number of men available.

An Obsolete View.—The extreme view that the call for this Battalion was a hostile move on the part of the General Government, having as its object the weakening of the "Mormon" community, and its probable dispersion or destruction by Indians beyond the frontier, finds few if any supporters at the present time. That the mob leaders of Missouri and Illinois desired the destruction of the Latter-day Saints was evident from their acts; and that some of the national leaders were influenced by such characters, is equally undeniable; but it is not believed that the United States was a party to any conspiracy of that kind. A nation, state, or community should not be held responsible for the misdeeds or evil designs of individuals unless it directs or sanctions them.

A March Without Parallel.—The Battalion was equipped at Fort Leavenworth. While it tarried at the frontier post, its recruiting officer and commander, Captain Allen, who had endeared himself to every member of the force, fell sick and died. Lieutenant A. J. Smith succeeded to the command, and marched the Battalion as far as Santa Fe, which town had previously surrendered to General Kearney. There, by the General's order, Colonel Philip St. George Cooke, a regular army officer, was placed at the head of the "Mormon" volunteers, who then began their arduous march across the dreary plains and rugged mountains of New Mexico, into southern California.

Their route was by way of the Rio Grande, the Gila, the Colorado and the San Pedro. From the Missouri to the Pacific, they tramped a distance of over two thousand miles, pioneering much of the way through an unknown wilderness. Colonel Cooke said of this achievement: "History may be searched in vain for an equal march of infantry." Short rations, lack of water, with excessive toil in road making, well-digging, and over-marching, caused much suffering, some sickness, and several deaths in the Battalion. Even before reaching Santa Fe many were disabled and prevented from going farther. These invalid detachments—less than one hundred men, with most of the women and all the children—were put in charge of Captains Brown and Higgins and ordered to Pueblo, now in Colorado. The main body, including four or five women who accompanied their husbands, pushed on to the Pacific Coast, arriving near San Diego late in January, 1847.

Conquest of California.—General Kearney, by a more direct route, had reached California some time earlier, though with only a few men, having disbanded most of his force upon learning that the province was already in possession of the United States. Colonel John C. Fremont, who was exploring west of the Sierra Nevada when the war broke out, had rallied the American settlers of Sacramento Valley, and in co-operation with Commodores Sloat, Montgomery, and Stockton, all but subdued the country before Kearney came.

COLONEL COOKE.

Services of the Battalion—Discharge and Re-enlistment.—Cooke's command had driven out the Mexican garrison of Tucson, but it had no other opportunity to engage the enemy. Its most exciting experience was a "battle with the bulls" on the San Pedro River, where the volunteers were attacked by an army of wild cattle, and narrowly escaped dispersion if not destruction, from the fierce horns and hoofs of the innumerable horde.

Fort-building and garrison service were the principal occupations of the Battalion men during their remaining months of service. They were quartered at San Diego, San Luis

del Rey, and Los Angeles, and performed their duties in such a manner as to call forth the commendation of the United States officers, and at the same time to win the good will of the conquered Californians. While in garrison they were permitted to accept outside employment, offered them by civilians in the towns where they were stationed. They made and burnt the first bricks in San Diego, and probably in all California. A squad of them served as General Kearney's escort when, in May, he set out for Washington, accompanied by Colonel Fremont, the latter charged with insubordination for refusing to recognize the General's authority.

In July, at the expiration of their year's term of enlistment, the Battalion was honorably discharged at Los Angeles. There, at the urgent request of Governor R. B. Mason, Kearney's successor as military commandant, eighty-one men reenlisted, and were ordered back to garrison San Diego.* Their comrades set out to rejoin their families or friends, whom they had left upon the far away frontier.

The Brannan Colony.—Mention must be made of the part played by the Brannan colony in California. They came from New York by sea around Cape Horn to the Bay of San Francisco, and were the first "Mormons" to set foot on the Pacific Coast. This was in 1846. They numbered two hundred and thirty-five men, women, and children, and were under the leadership of Samuel Brannan, who in New York had edited a paper called "The Prophet," published in the interest of the Latter-day Saints. The company was well supplied with farming implements, mechanics' tools, and all the equipment necessary for the founding of a new settlement. The ship "Brooklyn," upon which they sailed, left New York early in February,

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*Governor Mason, in his report to the Adjutant General, September 18, 1847, said: "Of the services of the Battalion, of their patience, subordination, and general good conduct, you have already heard; and I take great pleasure in adding that as a body of men they have religiously respected the rights and feelings of this conquered people; not a syllable of complaint has reached my ear of a single insult offered or outrage done by a Mormon volunteer. So high an opinion did I entertain of the Battalion, and of their special fitness for the duties now performed by the garrisons in this country, that I made strenuous efforts to engage their services for another year."

Henry G. Boyle, one of the volunteers, gives to history the following item of information: "I think I white-washed all San Diego. We did their blacksmithing, put up a bakery, made and repaired carts, and, in fine, did all we could to benefit ourselves as well as the citizens. We never had any trouble with the Californians or Indians, nor they with us. The citizens became so attached to us, that before our term of service expired they got up a petition to the Governor to use his influence to keep us in the service. The petition was signed by every citizen in the town."

and landed at Yerba Buena (San Francisco) on the last day of July.*

On the San Joaquin River, the Brannan colony plowed, put in crops, and built houses of adobe or sun-dried brick. In one of these they set up a printing press, which they had brought with them, and issued "The California Star," the second newspaper established in the province.

The Benson Scheme.—Samuel Brannan was a man of energy and ability, but of pronounced speculative tendencies. Before leaving New York he had entered into a compact with one A. G. Benson, representing certain political and financial schemers at Washington, D. C., who, aware of the pending exodus, proposed to profit by it. This compact, which Brannan sent to Nauvoo for signatures, required the "Mormon" leaders to transfer to A. G. Benson and Company and to their heirs and assigns, the odd numbers of all the lands and town lots that might be acquired in the country settled by them and their people. If they refused to sign, the President of the United States, it was threatened, would proclaim that it was their intention to join with Great Britain or Mexico against this Nation, and would send troops to disarm and disperse them. If they signed they were to be protected and allowed to proceed on their way. Such was the substance of Brannan's letter to Brigham Young, enclosing a copy of this precious agreement.

Appropriate Action.—President Young and his associates considered the matter at a council held on Sugar Creek, Iowa, soon after leaving Nauvoo. They resolved to treat the proposition with the contempt that it inspired. To A. G. Benson and Company not even an answer was deigned. On went the exiles to the Iowa frontier, and the next news from them related to the enlistment of the Battalion, whose story has been briefly told.

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*From the East to the Pacific Coast there were three routes of travel, two of them by sea. One doubled Cape Horn; one crossed the Isthmus of Panama, and the third was from the frontier over the plains.

IV.

THE PIONEERS.

1847.

A Predicted Exodus.—The removal of the Latter-day Saints to the West had been contemplated by President Joseph Smith several years before his tragic death at Carthage. He had even organized an expedition to explore the Rocky Mountains, and had indicated in a general way the place where his people were to settle. Had he lived, he probably would have led them to the land that they now inhabit. The project fell as a legacy to his successor, Brigham Young, and the men surrounding him.*

BRIGHAM YOUNG.

Preparations for Departure.—Prior to their departure from Illinois the "Mormon" leaders had made themselves acquainted, as far as possible, with the western country, through reading books and examining maps published by explorers and other travelers in this region. Heber C. Kimball, one of the Apostles of the Church, and familiarly known as "Brigham Young's right-hand man," mentions this circumstance in his private journal.†

The Pioneer Project.—At Mount Pisgah, soon after the beginning of the exodus, President Young called a council at which, as related by Orson Pratt, it was determined to send a

*At Montrose, Iowa, on the 6th of August, 1842, Joseph Smith predicted that the Latter-day Saints would be driven westward, and would found settlements and "become a mighty people in the midst of the Rocky Mountains."—History of the Church, Vol. 5, pp. 85, 86.

†It is thus recorded: "Nauvoo Temple, December 31st, 1845: President Young and myself are superintending the operations of the day, examining maps with reference to selecting a location for the Saints, west of the Rocky Mountains, and reading the various works which have been written and published by travelers in those regions."

select company of pioneers, in advance of the main body of the people, across the Great Plains. They would have been sent that season, but the enlistment of the Battalion, with its heavy draft upon the able-bodied element in the camps, caused a postponement of the project until the following spring.

Winter Quarters.—After the Battalion had gone, the headquarters of the migrating people were moved from Council Bluffs to the west side of the Missouri, so as not to trespass upon the Indian Reservation east of that river. By permission of the Omaha Indians, the Latter-day Saints built a settlement named Winter Quarters, on the site of the present town of Florence, Nebraska. In that primitive frontier village, and on the prairies of Iowa, in log and mud huts, in tents and in wagons, the exiled community passed the winter of 1846-1847.*

Prospective Emigration—The Advance Company.—As spring opened, all was bustle and stir at the camps east and west of the great river which was then the border line of the nation. In January President Young had issued instructions concerning the formation, equipment, and conduct of the several companies that were to journey westward. About the beginning of April he completed the organization of the advance company—the Pioneers—whom he proposed leading in person to the Rocky Mountains.

The Pioneer company, though comparatively small, was a model for all succeeding ones. They were divided into "hundreds," the hundreds into "fifties," and the fifties into "tens," with a captain over each division. The male adult enrollment of the Pioneers was originally twelve times twelve, but one man became disabled after the journey began, and returned, leaving the number at one hundred and forty-three. Three of these were negroes, and at least two were non-Mormons.

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*Among those who visited Winter Quarters while the "Mormon" people were there, was Father De Smet, a Jesuit missionary among the Indians. In a letter dated March, 1851, he says: "In the fall of 1846, as I drew near the frontiers of the State of Missouri, I found the advance guard of the 'Mormons,' numbering about ten thousand, camped on the Territory of the Omaha, not far from the old Council Bluffs. They had just been driven out for the second time from a State of the Union (Illinois had received them after their war with the people of Missouri). They had resolved to winter on the threshold of the great desert, and then to move onward into it, to put distance between them and their persecutors, without even knowing at that time the end of their long wanderings, nor the place where they should once more erect for themselves permanent dwellings. They asked me a thousand questions about the regions I had explored. * * * The valley (Salt Lake), which I have just described to you, pleased them greatly from the account I gave them of it."

Three women were added as nurses, and two children went with their parents.*

Equipment and Discipline.—The census of the Pioneer camp gave the following additional items: Seventy-two wagons, ninety-three horses, fifty-two mules, sixty-six oxen, nineteen cows, seventeen dogs, and some chickens. The wagons were drawn by horses, mules and oxen. Mounted men were few. The Pioneers, like the emigrants who followed them, walked most of the way from the Missouri River to the Great Salt Lake, a distance of more than a thousand miles.

They were well armed, and as fully equipped as might be in those days of general privation. The men carried rifles and small weapons, and a cannon was taken along to overawe hostile Indians. In their covered wagons were plows and other implements, seed grain, and a year's supply of provisions. They also had a case of surveyor's instruments, afterwards used in laying out Salt Lake City. One of the men invented an odometer,† to measure the distance traveled. Farmers, build-

*The three women were Harriet Page Wheeler Young, wife of Lorenzo D. Young; Clara Decker Young, wife of Brigham Young; and Ellen Sanders Kimball, wife of Heber C. Kimball. The two children were Isaac Perry Decker and Lorenzo S. Young.

†The Pioneers called it a "road-om-eter." The first one—for there were two—was a crude affair, though ingenious. An old steel saw was made to project from a wagon box in such a way as to strike at every turn a nail driven into a spoke of one of the wheels. The circumference of the wheel, multiplied by the number of strikes or revolutions, registered the distance. The more perfect machine was invented by William Clayton and constructed by Appleton M. Harmon.

ers, mechanics and laborers were included in the organization. Like Cæsar's legions in Gaul and Britain, these conquerors of the desert went prepared, not only to fight if necessary, but to make roads, build bridges, erect houses, till the soil, and do everything else needed in the exploration and settlement of a new country.

Moreover, they had a military organization. Brigham Young was their general; Jesse C. Little, adjutant; Stephen Markham, colonel; John Pack and Shadrach Roundy, majors; and Thomas Tanner, captain of artillery. Stephen Markham and Albert P. Rockwood were captains of hundreds; and Addison Everett, Tarlton Lewis, and James Case, captains of fifties. The captains of tens were Wilford Woodruff, Ezra T. Benson, Phineas H. Young, Luke S. Johnson, Stephen H. Goddard, Charles Shumway, James Case, Seth Taft, Howard Egan, Appleton M. Harmon, John S. Higbee, Norton Jacobs, John Brown, and Joseph Matthews. Thomas Bullock was clerk, and there were also historians, such as Wilford Woodruff, Orson Pratt, Willard Richards, Horace K. Whitney, and William Clayton, who recorded in daily journals the experiences of the Camp.

The men were instructed to travel in compact form, each with loaded gun in hand or in wagon, ready for instant use. Night and morning, at the sound of the bugle, all were to assemble for prayers. The Sabbath was to be kept, and divine service held regularly. Honesty and sobriety were strictly enjoined, and profanity and extreme levity discountenanced. The Pioneers were not to kill game except for food, nor trespass in any manner upon the rights of the red men whose country they were about to enter.

The Pioneer Journey—Route and Method of Travel.—About the middle of April, a start was made for the Rocky Mountains. Most travelers to the West passed up the south bank of the Platte River. The Pioneers chose the north bank and broke a new road, one subsequently traveled by tens of thousands of Latter-day Saints. It became known as "The Old Mormon Trail." Much of it is now covered by the roadbed of the Union Pacific Railway.

The regular order of march was for each "ten" to take its turn in the lead. Streams too deep to ford were crossed in a leather boat, which served as a wagon box while traveling. Rafts were also used, made from cottonwood trees growing along the banks. Some of the streams were only about two feet deep, but at the bottom were beds of quicksand, dangerous to teams, and almost pulling a wagon to pieces.

The country traversed, though monotonous, was pleasing

to the eye. Before, behind, and on either side, a vast level prairie, limited on the right by a continuous range of majestic bluffs, and on the left by the muddy waters of the Platte, rolling ceaselessly over beds of quicksand; the river often hid from view by the many beautiful cottonwood groves fringing its sandy shores. Everywhere the soil was of this texture, promising little at that time to agriculture.

Indian Tactics—Stampede and Corral.—As a rule the Indians—mostly Pawnees and Sioux—were friendly, though some of them set fire to the prairie, burning the grass needed by these travelers as feed for their animals. The red men also ran off horses belonging to the company. More than once they tried to stampede the stock. As a means of protection at night, the wagons were formed into a "corral," according to the custom of the plains. This was done by arranging them in a circle or an oval, with the tongues outside; a fore wheel of each wagon locked in a hind wheel of the one ahead. The stock were kept inside the enclosure, an opening at either end being carefully guarded.*

Pawnees and Sioux.—The Pawnees swarmed around in large numbers, but their manner was not hostile, their motive being mercenary. Presenting certificates signed by various

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*A good idea of a stampede is given in the following bit of description, written by one of the early emigrants to Salt Lake Valley: "At a very early hour some one was carelessly shaking a big buffalo robe at the back of a wagon, when a number of the cattle in the corral took fright and started to run; these frightened others; they began to bellow and all in a huddle ran for the gateway of the enclosure. This being too narrow for the rushing multitude that thronged into the passage, they piled themselves one upon another, until those on top were above the tops of the adjacent wagons, jarring and moving them from their places. The inmates, suddenly roused from sleep, and not knowing the cause of the terrible uproar and confusion, were almost paralyzed with fear. At length some of the cattle broke from the enclosure, the bellowing subsided, and quiet was restored; but the fright caused considerable suffering to those whose nerves were not equal to the strain. In the stampede two wagon wheels were crushed, several oxen had horns knocked off, and one cow was killed."

This stampede resulted from an accident; but the Indians resorted to just such tricks as shaking buffalo robes or blankets, to frighten the horses and cattle of passing trains. They would follow them for hundreds of miles, warily concealing themselves and awaiting opportunity to effect their design. Dark and rainy nights were their delight. Creeping like snakes through the long, dank grass, and eluding the eyes and ears of the guard, they would cut the lariats of the horses, if staked outside, and scare and scatter them in all directions. Sometimes they frightened them by shaking pieces of dry rawhide, which rattled ominously, and by hissing in imitation of a rattlesnake. When the trains had passed, if pass they could after losing much of their stock, these cunning prowlers of the plains would hunt and capture the missing animals at leisure.

travelers, to the effect that these Indians were friendly, and that it was customary to give them small presents for the privilege of passing through their country, they intimated that gifts from this company would be acceptable. A few articles, such as powder, lead, salt and flour were bestowed, and with these the red men departed.

Near Chimney Rock a band of mounted Sioux forded the river and made friendly advances. These Indians were much better accoutred than those nearer the frontier. Many of them wore "broadcloth," with fur caps, profusely decorated with beads and other ornaments. They had bows, steel-pointed arrows, and firearms, and carried an American flag, with a recommendation, written in French, from an agent of the American Fur Company. The Pioneers granted the request of the chief to remain with them over night, and spread a tent for his accommodation. They also fed him and his band, thirty-five in number, that night and the next morning.

Hunting the Bison—Primitive Mail Boxes.—At Grand Island the prairie was alive with herds of bison, commonly called buffalo. The Pioneers indulged in a hunt, twelve men on horseback, with twelve on foot, being assigned the duty of providing meat for the company. Most of them had never seen a bison before, and some were simple enough to try to kill one by shooting him in the forehead, where the hair and skull were so thick that the bullets rebounded without having made the least impression.* Ten of the animals, pierced in more vulnerable spots, were killed and the meat distributed. Game continued plentiful, the hunters supplying the camp with buffalo, deer, antelope, geese and ducks, whenever necessary. A grizzly bear and her cubs also became trophies of their skill. As they approached the Mountains, fine trout began to be taken from the streams.

*President Joseph F. Smith relates a similar incident that came under his personal observation, when, as a boy of ten years, he crossed the plains, coming to Salt Lake Valley. While the company in which he traveled was encamped on the North Platte, an old bison, driven out of his native herd by the younger male members, strayed down to the river to drink. Fired upon by hunters in ambush, he plunged furiously into the stream, where after receiving another broadside, he whirled about and returned to the bank. A third volley brought him to his knees in a dying condition, all the bullets having entered his body. The captain of the company came up to give the coup de grace, which he supposed could be done by discharging the contents of his Yauger rifle full at the animal's forehead. The shot struck, but the bison did not bat an eye. After he was dead the slugs from the Yauger were found in a coarse mat of hair covering the front of the skull, not having touched the bone. The hide there was an inch thick. A favorite Indian method of killing buffalo was to ride alongside and strike one with an arrow in the lower part of the spine, thus paralyzing the beast.

Now and then the bleached skull of a bison, a hollow tree, or a sheltering rock at the roadside, served as a mail box, in which to deposit letters for friends who were following. One day a French trader, returning to the frontier with furs from Fort Laramie, visited the camp, fording the Platte for that purpose, but leaving his wagons on the south bank. He gave the name of Charles Beaumont, and courteously undertook to deliver at Winter Quarters any messages entrusted to his care.

Crossing the Platte.—At Fort Laramie the river was crossed on a ferry boat, hired from a Frenchman in charge of the post. For this accommodation the Pioneers paid fifteen dollars. The fort was then a station of the American Fur Company, whose agent, James Bordeaux, received President Young and his party very politely, and gave them considerable information regarding the route ahead. The Crow Indians were troublesome, he said, having lately run off all his horses and mules. The south side of the river was now chosen, owing to a report that the north side was no longer practicable.

Mississippi Emigrants.—While at Laramie, the Pioneers were joined by seventeen emigrants from Mississippi, part of a small company of Latter-day Saints who had wintered at Pueblo. At that place, it will be remembered, a detachment of the Mormon Battalion, under Captains Brown and Higgins, had been quartered. Four of the Pioneers, Amasa M. Lyman, Thomas Woolsey, John H. Tippitts, and Roswell Stevens, were sent horseback to Pueblo, to take charge of the main body of the Mississippians and conduct them to Salt Lake Valley. All but three of the seventeen emigrants were members of the Crow and Therlkill families, the others being Archibald Little, James Chesney, and Lewis B. Myers.

A Ferry Established—Missourians for Oregon.—In the region of the Black Hills the Pioneers built rafts and constructed a ferry, helping over the river at that point several companies of Missourians, bound for Oregon. They received for this service a dollar and a half for each wagon and load, and were paid in flour, meal, and bacon, at eastern prices. Nine men were detailed to maintain the ferry for the benefit of the coming emigration. They were Thomas Grover, John S. Higbee, Luke S. Johnson, Appleton M. Harmon, Edmund Ellsworth, Francis M. Pomeroy, William Empey, James Davenport, and Benjamin F. Stewart. The main company, fording the Sweetwater, found good grass along that stream, but had to beware of the poisonous alkali water lying about in pools. Drinking of these waters killed many horses and cattle of succeeding companies. While resting on the Sabbath, the Pioneers were continually overtaken and passed by west-bound

emigrants. More than once they met wagons from Fort Bridger, laden with furs for Fort Laramie.

Over "The Great Divide."—Late in June they reached South Pass, and began the western descent of the Rockies. In that vicinity they encountered Major Moses Harris, scout and trapper, who was guiding a company of emigrants to Oregon; also Thomas L. Smith, a mountaineer living near Soda Springs. Major Harris, learning that the Pioneers were bound for Great Salt Lake Valley, gave a discouraging report of this region, but spoke favorably of Cache Valley—so named because hunters and trappers "cached" their furs and effects there. Harris had a file of Oregon papers, also several copies of "The California Star," the journal published by Samuel Brannan at Yerba Buena.

Brigham Young and Colonel Bridger.—East of Little Sandy the California and Oregon roads diverged. After passing that stream the Pioneers made the acquaintance of Colonel Bridger, builder and part proprietor of the fort bearing his name. He camped with them on the night of the twentieth of June. They found him an erratic though interesting character, full of information and a desire to impart it. In conversation with President Young, Colonel Bridger expressed the opinion that it would be unwise to bring a large colony into the Great Basin until it had been demonstrated that grain could be raised here. He declared that he would give a thousand dollars if he knew an ear of corn could ripen in Salt Lake Valley. How much of this advice was philanthropic, and what part of it the result of a fear that a settlement in the Valley would injure the trapping industry, is problematical at the present time.

Brannan from the Coast.—Just before the Pioneers crossed Green River, Samuel Brannan rode into camp, having come directly from the Bay of San Francisco. He, with two companions, had crossed the Sierra Nevada at Truckee Pass. Brannan's purpose in coming was to persuade President Young to pass by the barren, forbidding region of the Great Salt Lake, and join him and his colony on the fertile slopes of the Pacific. He brought with him sixteen numbers of "The California Star," and the latest news from the Battalion. He used every endeavor to convince the President that it would be to the advantage of the Latter-day Saints to establish themselves on the western coast; but in this he was unsuccessful. The prospect painted by his eloquence, though it had some pleasing features, was not alluring to the sagacious leader, who had seen his people despoiled and driven repeatedly, through sheer inability to hold their own against overwhelming odds hostile to, and arrayed against them. Until they became strong enough, not

only in numbers but in influence, to defend themselves against such aggressions, it was better for them to seek isolation and brave the hardships and dangers of the desert.

Green River, rapid and swollen, was crossed with rafts. The 4th of July falling on Sunday, the Pioneers sacredly observed the glorious anniversary. Three days later they arrived at Fort Bridger.

Fort Bridger.—This famous trading station was little more than a double log house, surrounded by posts set upright in the ground, forming a stockade about eight feet high. The fort was built upon one of several small islands, created by various branches of Black's Fork, a tributary of Green River. It was the abode of a score or more of human beings, white men, Indian women, and half-breed children. In the neighborhood were nine Indian lodges, where dwelt the families of other mountaineers who had also taken squaws for wives. Certain lands in the vicinity were held by Bridger and his partner, Mr. Vasquez, under a grant from the Government of Mexico.

President Young Ill—Pratt's Vanguard.—The Pioneers, having shod their horses and repaired their wagons, preparatory to the rough mountainous journey before them, left Fort Bridger on the ninth of July. At noon of the twelfth, President Young took mountain fever, which had first attacked the camp on Green River. Falling behind with a few wagons, he requested the main body to move on.

Next day Orson Pratt was directed by the President to take wagons and men and proceed down Echo Canyon, at the mouth of which he was to look for the Reed-Donner trail and follow it over the mountains into Salt Lake Valley. The Weber Canyon route had been reported impassable, owing to high water.

Pratt's vanguard found and pursued the trail; a dozen men, with spades and axes, going before the wagons, smoothing or constructing the way. In traveling eight miles up East Canyon, they crossed its crooked, willow-fringed torrent thirteen times. Huge gray wolves, startled out of their lairs, glared fiercely at them and sullenly retired up neighboring glens and ravines. The deadly rattlesnake—policeman among reptiles—sounded its warning, as if summoning assistance to arrest the progress of these daring and dangerous human intruders. Here and there the fresh track of a buffalo appeared; the brush at the roadside, against which the brute had rubbed in passing, retaining some of its hair.

First Glimpse of "The Valley"—Word from the Rear.—Leaving East Canyon, the trail turned up a ravine to the west, and crossed another ridge or summit—Big Mountain. Hitherto a continuous succession of hills on hills had greeted the

tired vision of the toiling vanguard, pushing through these mountain fastnesses. But now a broader view was obtained; glimpses of the open country appeared. To the southwest, through a sloping vista, two small sections of Salt Lake Valley were visible. The Lake was as yet unseen, but beyond, in the blue distance, loomed the Oquirrh range and the shadowy parallel of a still more remote line of hills. It was on the 19th of July, from the crest of Big Mountain, that Orson Pratt and John Brown, riding ahead of their company, caught the first glimpse of the Valley of the Great Salt Lake. Descending a steep and dangerous slide, where wheels had to be double-locked, the trail rose abruptly over another high hill—Little Mountain—whence it descended into Emigration Canyon. On the twenty-first, one mile below Little Mountain, the vanguard was overtaken by a messenger from the rear. This messenger, Erastus Snow, stated that President Young desired those who were leading the way to bear to the northward and stop at the first convenient place for plowing and planting.

In the afternoon of that day Orson Pratt and Erastus Snow preceded the company down the canyon, the mouth of which they found choked with boulders, timber and brush. Crossing to the south side of the creek, the two Pioneers ascended a hill, and saw for the first time the broad, open Valley, belted with snow-capped peaks, and the blue waters of the Lake flashing in the sunlight. A shout of rapture broke from their lips, and they descended to the benchland below.

"The Right Place."—President Young, reclining in a light carriage driven by Wilford Woodruff, crossed Big Mountain on the twenty-third of July. Halting on the summit, he gazed long and earnestly at those parts of Salt Lake Valley that are visible from that eminence. Next day his wagons rolled through the mouth of Emigration Canyon, and the founder of Utah was upon the scene of his future toils. "It is the right place," he is reputed to have said, as his soul drank in the prospect.

V.

THE SHORES OF THE INLAND SEA

1847.

As Seen by the Pioneers.—It was no Garden of the Hesperides upon which the Pioneers gazed that memorable July morning. Aside from its scenic splendor, which was indeed glorious, magnificent, there was little to invite, and much to repel, in the prospect presented to their view. A barren plain, hemmed in by mountains, burning beneath the rays of the midsummer sun. No waving fields or forests, no verdant meadows to rest and refresh the weary eye, but on all sides a seemingly interminable waste of sagebrush, bespangled with sunflowers, the paradise of the lizard, the cricket, and the rattlesnake.

SALT LAKE VALLEY IN 1847

Less than half way across the baked and burning valley, dividing it in twain, as if the vast bowl, in the intense heat of the Master Potter's fires, in process of formation had cracked asunder, a narrow river, turbid and shallow, from south to north, in many a serpentine curve, sweeps on its sinuous way. Beyond, a broad lake, the river's goal, dotted with towering islands, its briny waters shimmering in the sunbeams.

From mountains snow-capped, seamed and craggy, lifting their kingly heads to be crowned by the golden sun, flow limpid, laughing streams, cold and crystal clear, leaping, dashing, foaming, flashing from rock to glen, from peak to plain. But the fresh canyon brooks are far and few, and the arid waste they water, glistening with beds of salt and soda and pools of deadly alkali, scarcely allows them to reach the river, but midway well nigh swallows and absorbs them in its thirsty sands.

Above the line of gray and gold, of sage and sunflower, the sloping hillsides and precipitous steeps are clothed with purple and dark green patches; these, the oak-bush, the squaw-berry,

and other scant growths, with here and there a solitary tree, a few acres of withered bunch grass, and the lazily waving willows and wild-rose bushes fringing the distant streams, the only green things visible.

Silence and desolation—a silence unbroken save by the cricket's ceaseless chirp, the dull roar of the tumbling torrent, or the whirr and twitter of the passing bird; a desolation of centuries, where earth seems heaven-forsaken, where hermit Nature, watching, waiting, weeps, and worships God amid eternal solitudes.

Origin of Pioneer Day.—It was Saturday, July 24th, when Brigham Young entered Salt Lake Valley, giving to an already illustrious month another notable anniversary, thenceforth to be celebrated as Pioneer Day by the founders of Utah and their descendants. Wilford Woodruff, who halted with the President upon the foot-hills a little south of where Fort Douglas now stands, says in his journal: "President Young expressed his entire satisfaction at the appearance of the Valley, * * * and felt amply repaid for his journey. * * * After gazing a while * * * we moved four miles across the tableland into the valley, to the encampment of our brethren who had arrived two days before us. They had pitched upon the banks of two small streams of pure water, and had commenced plowing. On our arrival they had already broken five acres of land, and had begun to plant potatoes in the Valley of the Great Salt Lake."

ORSON PRATT

First Upon the Ground.—Orson Pratt and Erastus Snow had entered the Valley three days before. Upon emerging from Emigration Canyon, they had first directed their course southward, where tall canes along the banks of Mill Creek "looked like inviting grain." Disappointed by the illusion, and remembering President Young's advice to "bear to the northward," they next turned in that direction. It is claimed for Orson Pratt that he was the first of the Pioneers to tread the site of Salt Lake City. He and his companion, it is said, had with them a single saddle horse, which

they were riding by turns. It is traditional in the Pratt family that Erastus Snow, while mounted, missed his coat, which he had taken off and flung loosely over the saddle. He rode back to look for it, and Mr. Pratt walked on alone to the banks of City Creek. Erastus Snow's journal makes no mention of this incident.

ERASTUS SNOW.

Having rejoined his division in the canyon, Orson Pratt, on the 22nd of July, led them into the Valley. He was immediately followed by George A. Smith and Willard Richards, with the main body. President Young and Heber C. Kimball were with the rear wagons. Pratt, Smith and others had partly explored the Valley before the President arrived. They found the soil in places excellent, but in other parts unfit for agriculture. The drier portions swarmed with crickets, "about the size of a man's thumb."

Divergent Views.—Some of the Pioneers waxed eloquent over the sublime scenery surrounding them, but their enthusiasm was not shared by all their companions. The hearts of many sank within them when they were told that this was to be their permanent place of abode. Harriet Young, one of the three women who had journeyed from Winter Quarters, uttered this plaint: "Weak and weary as I am, I would rather go a thousand miles farther than remain in such a desolate place." Mrs. Kimball felt the same. Clara D. Young, on the other hand, expressed herself as satisfied with the situation. Their divergent views were those of the company in general. All, however, accepted reverently the statement of their leader, that before entering Salt Lake Valley he had beheld it in vision, and had seen a tent settling down from heaven and resting upon this spot, while a voice proclaimed: "This is the place where my people Israel shall pitch their tents."*

*See Discourse by Erastus Snow, delivered in the Tabernacle, Salt Lake City, July 25, 1880; reproduced in the "Improvement Era," June, 1913. Wilford Woodruff says of President Young: "While lying upon his bed in my carriage, gazing upon the scene before us, many things of the future, concerning the Valley, were shown to him in vision."

First Plowing and Planting—Beginnings of Irrigation.—The Pioneers corraled their wagons a little way below the canyon now known as City Creek. The stream issuing from it then divided, a short distance from the mouth, into two branches, one flowing west, the other south. The first camp was where Washington Square was afterwards laid out—the present site of the Salt Lake City and County Building. Plowing and planting began within an area now between that edifice and the junction of Main and First South Streets. George W. Brown, William Carter and Shadrach Roundy turned the first furrows. It was difficult work, and more than one plowshare was broken in the hard, sun-baked soil.

To make the plowing easier, the ground was flooded, dams being placed in the creek for that purpose. This was the beginning of irrigation in arid America by men of the Anglo-Saxon race. They planted potatoes, corn, oats, buckwheat, peas, beans, and other garden seeds. The plows began working during the forenoon of July 23rd, and the first seeds were put in on the morning of the 24th.

Pioneer Sabbath Observance.—Next day was the Sabbath, and the grateful Pioneers did not fail to observe it. Assembling in the circle of their encampment, they gave thanks to God for bringing them safe to a land of peace and promise. Despite its desolation, this barren region was preferable for their purposes to the fertile and flowery slopes farther on. Here they were sure of the rest and quiet that they craved, but could not have found on the western coast, which was fast filling up with immigrants from those very States where the "Mormon" people had experienced their sorest troubles.

The principal discourse, that Sabbath day, was by Elder Orson Pratt, of the Council of the Twelve, who took for his text Isaiah 52:7, 8: "How beautiful upon the mountains are the feet of him that bringeth good tidings." The speaker declared that these inspired words, with many other predictions of the ancient seers, bore directly upon the situation of the Latter-day Saints, who were now beginning to establish themselves "in the midst of the Rocky Mountains," as their martyred Prophet had foretold.

President Young's Instructions.—President Young, though his enfeebled condition would not permit him to preach a sermon, added a few practical words, sitting in his arm-chair while he addressed his fellow Pioneers. "He told them," says Wilford Woodruff, "that they must not work on Sunday; that they would lose five times as much as they would gain by it. None were to hunt or fish on that day, and there should not any man dwell among us who would not observe these rules." There was to be no buying or selling of land. "Every man

should have his land measured out to him for city and farming purposes. He might till it as he pleased, but he must be industrious and take care of it."*

The Valley Explored—A City Projected.—The Pioneer Sabbath having been duly observed, the next care of the colonists was to explore their surroundings. Three parties were organized for that purpose, President Young heading one of them. He left camp Monday morning and returned late in the afternoon. While ascending, to the northward, a high hill, he remarked concerning it, "A good place to lift up an ensign," referring to another prediction of Isaiah's (11:12). As if to fulfill prophecy while expressing patriotism, the Pioneers afterwards raised the Stars and Stripes on that hill, which Brigham Young named "Ensign Peak." He and his party also visited the Warm Springs, then bubbling forth in a natural basin at the foot of a rugged spur of the Wasatch range.

Passing Jordan River, which was then called "The Utah Outlet," the President and those with him next visited the Great Salt Lake, and enjoyed the luxury of a bath in its briny waters, the wonderful properties of which much impressed them. After partly exploring Tooele Valley, they traveled southward for about ten miles along the eastern base of the Oquirrh Mountains, turned eastward, recrossed Salt Lake Valley, and came again to the banks of City Creek. That evening—July 28th—they decided to build a city, beginning at what is now Temple Block.

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*These instructions were reminiscent of the early experience of the Latter-day Saints, under a social order introduced by their first leader, Joseph Smith. The proposed measuring out to each householder of a portion of land, which he would be required to industriously cultivate, was in keeping with the spirit of "The United Order," instituted at Kirtland, Ohio, and in Jackson County, Missouri. Under the operations of that Order, the members of the Church were to consecrate all their properties for "the building up of Zion," receiving in return individual stewardships, to be managed and conducted for the general welfare; all gains reverting to a common fund, from which every steward would derive his or her support. "Every man seeking the interest of his neighbor, and doing all things with an eye single to the glory of God." This was the key-note of the United Order.

Joseph Smith's concept of a community, while subsequent in enunciation to the theories of Robert Owen and the French socialists, was not inspired by modern socialism and its methods. His ideals were ancient and biblical, not modern and secular; they were of Moses and Joshua, rather than of Owen and Saint Simon. He declared that God had given him a commission to gather scattered Israel and begin a work that would eventuate in the establishment of the New Jerusalem and the preparation of a people for the glorious coming of the Lord. This is the real significance of "Mormon" proselyting and emigrational activities,—in fact of all authorized movements by the Church of Jesus Christ of Latter-day Saints.

Next Arrivals.—A Bowery Built.—The first to follow the Pioneers to the shores of the Great Salt Lake was the Pueblo detachment of the Mormon Battalion, which arrived on the 29th of July, bringing the main body of the Mississippi emigrants. The soldiers numbered over one hundred, and the emigrants about the same. Captain James Brown was in command. It had been his intention, on leaving Pueblo, to march his men to California, but their term of enlistment having expired, he determined to tarry here and await further orders.

These Battalion men built the first structure in the Valley. It was a bowery in which to hold public meetings. Posts were set in the ground, and upon these long poles were laid, fastened with wooden pegs and strips of rawhide. This framework, which was covered with timbers and brush, made a good shelter from the sun, but afforded little protection against wind and rain.*

The "Old Fort" Begun.—As a protection against hostile and thieving savages, the Pioneers decided to build a fort, and preliminary to that end the wagons were formed into an oblong corral between the two branches of City Creek. The Indians, some of whom had stolen guns and other articles from the camp, were not permitted inside this enclosure. Work upon the fort began on the tenth of August, prior to which date logs were hauled from the canyon, adobes made, and mounds prepared, for the proposed structure.

Captain Brown to the Coast.—Early that month, Captain Brown set out for the Pacific Coast, taking with him power of attorney from his men to draw the pay due them from the Government. The small party accompanying him included Samuel Brannan, who returned crestfallen, after failing to convince President Young that the coast region was a more desirable place for the Latter-day Saints than the isolated, mountain-girt valleys of the Great American Desert. The westbound travelers followed "The Northern Route." Captain

*The day the bowery was built two small bands of Indians, Utes and Shoshones, were trading at the camps on City Creek. A young Ute stole a horse from the Shoshones and traded it to one of the settlers for a rifle. When detected, he refused to give up the gun, and a fight ensued between him and a Shoshone youth. They were finally separated, but not until the father of one of them had lashed both the young fellows with a heavy thong of rawhide. The Ute then tried to steal another horse belonging to the Shoshones, but while driving the animal toward the mountains he was pursued by four of the band and shot dead. The two tribes had long been at enmity, but now there was additional bad blood between them, caused by the coming of the Utes to trade with the settlers. The Shoshones claimed Salt Lake Valley and the country north, while the Utes held Utah Valley and the region south. It angered the Shoshones to find any of the settlers trading with the Utes.

Brown conveyed to the discharged Battalion men, such as had not re-enlisted, an epistle from President Young and the Council of the Twelve, to the effect that those who were without families should remain on the coast, work through the winter, and come on to Salt Lake Valley with their earnings in the spring.

First Birth and Death in the Colony.—The first birth in the Pioneer Colony was a girl, the daughter of John and Catherine Campbell Steele. The father was a Battalion man. The child was born on the 9th of August, 1847, and was named Young Elizabeth Steele, "in honor of President Young and Queen Elizabeth." She lived to become, by marriage, Mrs. James Stapley, of Kanarra, Kane County, Utah. The first death occurred two days after this initial birth, the victim being Milton H. Therlkill, a three-year-old son of George and Jane Therlkill, of the Mississippi emigrants. Wandering from camp, the little one fell into City Creek and was drowned.

Back to the Missouri—Immigration of 1847.—President Young, after superintending the erection of the fort, and giving final instructions to those who were to spend the winter in the mountains, set out for the Missouri River, there to organize the next season's emigration. His departure from Salt Lake Valley, late in August, took over one hundred men from the colony, but their places were more than supplied by the immigrants who began to arrive during the latter part of September. These traveled in four large companies, aggregating fifteen hundred men, women, and children, with five hundred and sixty wagons and five thousand head of stock. President Young met these emigrants on the plains.*

Incidents of the Return Journey.—The President's return journey was not without other lively incidents. Early one

*The four companies were commanded respectively by Daniel Spencer, Edward Hunter, Jedediah M. Grant, and Abraham O. Smoot; with John Taylor, Parley P. Pratt, and John Young in general charge. There were also an artillery company, under General Charles C. Rich, several pieces of cannon being brought in this immigration. It had been organized on the frontier by Patriarch Isaac Morley and Bishop Newel K. Whitney, under instructions from President Young, given before the Pioneers departed for the West. In these companies were many well known Utah families. George Q. Cannon, then a youth of twenty, came with his uncle, John Taylor; and Eliza R. Snow, who became the most prominent of "Mormon" women, was in Captain Grant's "Hundred." Late in July or early in August, these emigrants encountered on the plains fourteen members of the Mormon Battalion, General Kearney's escort from San Francisco to Fort Leavenworth. There the volunteers, who were husbands or sons of women traveling with the emigrants, expected to be discharged. The experiences of the new-comers largely duplicated those of the Pioneers. A number of deaths and births occurred among them before and after passing the Rocky Mountains.

morning, just before breaking camp, they were set upon by a band of Sioux Indians, who tried to stampede their stock. Detected in the act, the red men shot at the guards, and seizing one, attempted to carry him off. Freeing himself with his fists, he felled one of his assailants. An alarm was sounded, and in a moment the scene was alive with savages, about two hundred mounted warriors coming from the bluffs and timber near by. Firing a volley, they charged upon the camp. The Pioneers returned the fire, made a counter charge, and put the Indians to flight. Making signs of peace, the latter returned and apologized, stating that they had mistaken the campers for Crow Indians, with whom the Sioux were at war. They invited the "Mormon" leaders to their village, five miles away, where eight hundred of their tribe were encamped. Heber C. Kimball and Wilford Woodruff, with others, accepted the invitation, smoked the pipe of peace with the savages, and recovered from them several horses, stolen on the Sweetwater.

At Fort Laramie the east-bound party dined by invitation with Commodore Stockton, just from the Bay of San Francisco. Journeying down the Platte, they met Captain Hosea Stout and a mounted squad—the old Nauvoo police—and later were greeted by Bishop Newel K. Whitney and others, who were bringing them supplies. On the 31st of October, their wagons rolled into Winter Quarters.

More Battalion Men.—The next comers into Salt Lake Valley were members of the Mormon Battalion, recently mustered out of service on the Pacific Coast. They arrived on the 16th of October, bringing wheat, corn, potatoes, and garden seeds, to augment the limited stores of their fellow settlers in the Great Basin. Most of the soldiers remained in the colony, but some had the hardihood, notwithstanding the lateness of the season, to recross the plains and join their families on the frontier. Subsisting mainly upon buffalo meat, procured during the journey, they pressed on through wintry winds and snows, and after much hardship and suffering, reached their destination about the middle of December.

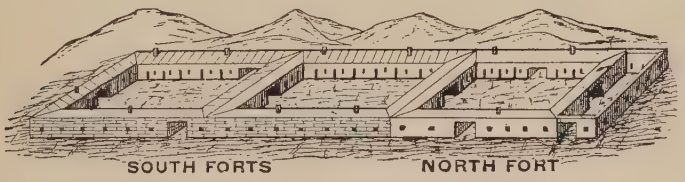
VI.

EARLY EVENTS IN "THE VALLEY."

1847-1849.

Life in the Old Fort—First Schools.—The structure known as "The Old Fort" stood upon the block now called Pioneer Square, in the southwestern part of Salt Lake City. It was begun by the Pioneers, and completed by the immigrants who followed in their wake from Winter Quarters. The fort was in the form of a rectangle, the east side consisting of a row of log houses, while the north, south and west sides were mud walls. This describes the original structure. But two additional blocks or parts of blocks, on the south, were enclosed in like manner and joined on to the original stockade. The extension was built by the immigrants. The roofs, which slanted inward, were of brush, covered with earth, the doors and windows facing the interior; and each house had a small loop-hole, looking out. Heavy gates, carefully locked at night, guarded the main entrance to the enclosure.

The mistake of making many of the roofs almost flat, instead of sharply slanting, was the cause of much discomfort. The fore part of the winter was exceptionally mild, but as the season advanced heavy snows fell and melted, soaking through



the earth and willow roofs, and descending in drizzling streams upon the miserable inmates. One of the settlers had plastered his walls and ceilings with white clay, a good quality of which was found in the neighborhood; but the merciless water trickled through, carrying with it in solution or in lumps the treacherous plastering.

There were other discomforts, such as mice and bugs, the latter coming in the green timber from the mountains. The mice were also native, though some of them may have been brought in the grain wagons of the immigrants. Outside, large white wolves howled around the stockade, and even attacked

cattle on the range. Hunting parties had to be organized for their extermination.

Life in the Old Fort was anything but elysian: and yet it had its bright side. More than one happy gathering, more than one joyful celebration, was held within those rude walls. Two little schools were taught there the first winter, the teachers being Julian Moses and Mary Jane Dilworth, who became Mrs. F. A. Hammond.

Outside Locations—Further Explorings.—Until the return of the leaders from Winter Quarters, most of the people in Salt Lake Valley continued to dwell within the Fort. A city had been laid out, and many of the lots had been distributed, but it was not deemed wise to build upon or otherwise occupy them, until the colony had become strong enough to protect itself against possible Indian raids. A few of the settlers, however, anticipated the general evacuation that took place when Salt Lake City was built. As early as the autumn of 1847 some moved out and established themselves in other parts. The first house outside the Fort was built by Lorenzo D. Young, on the site of the present Bee Hive House, the official residence of the President of the "Mormon" Church. Mr. Young's log cabin was occupied by him and his family in December, 1847.*

A PIONEER CABIN

*The removal of the Young family from the fort was much against the wishes of their friends, who feared harm to them from the Indians. An incident occurred that winter which proved the fear to be well founded. Mrs. Young, who was mother to the first white male child born in the Valley, was alone with her infant one day, when an Indian, a fierce-looking fellow, came to the door, begging bread. She gave him two small biscuits, but with these he was not content. She gave him another, all the bread she had, but still he demanded more. Being told that there was no more he became furious, and fitting an arrow to his bow, aimed at her heart. She thought the last moment for herself and her helpless babe had come. Not yet! In another part of the house was a large dog, a powerful mastiff, purchased by her husband on leaving the fort, and kept upon the premises for her protection. Making a sign to the Indian, as if in compliance with his demand, she passed into the next room and untied the dog. "Seize him!" she exclaimed. The mastiff darted through the door-way sprang upon the intruder, bit him savagely and bore him to the ground. He pleaded for his life, and Mrs. Young, after prudently relieving him of his bow

It was well for our poorly-housed "oldest inhabitants," that the greater part of their first winter in the mountains was mild and open. Logging, building, and exploring continued at intervals until spring. In December, Parley P. Pratt and others, taking with them a boat and a fish-net in a wagon drawn by oxen, made a trip to Utah Lake. They caught a few fish, but their success was not encouraging. Returning, Mr. Pratt and a companion named Summers passed through Cedar, Rush, and Tooele valleys. Utah Valley had been explored during the previous August.

Beginnings of Davis and Weber Counties.—The first lands settled upon, after those lying immediately south of Ensign Peak, are now included in Davis and Weber counties. In the autumn of 1847, Perrigrine Sessions, a captain of fifty in the immigration of that year, moved northward from the fort about ten miles, and encamped on the present site of Bountiful. Hector C. Haight followed, halting his wagons six or seven miles beyond, on Haight's Creek (Kaysville). Already had Thomas Grover encamped where Centerville now stands. These were the beginnings of Davis County, which was named after Captain Daniel C. Davis of the Mormon Battalion, who also made a home in that locality.

The pioneer of Weber County was Captain James Brown. On his way to California in August, 1847, he crossed Weber River, where stood a log fort owned by Miles M. Goodyear, who held some adjacent ground under a grant from the Mexican Government. Goodyear, a trapper and trader, had met the Pioneers on Bear River, and endeavored, like Colonel Bridger, to dissuade them from bringing a colony into Salt Lake Valley. Captain Brown called at the fort, made the acquaintance of the proprietor, and upon returning from the Coast later in the season, purchased from Goodyear his lands

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and arrow, called off the dog, and set the wounded savage at liberty. He was badly hurt. The brave woman magnanimously washed his wound, applied a healing plaster, and sent him away, a wiser if not a better Indian.

The settlements in Salt Lake Valley were not much molested by the red men. Others, formed later, fared worse. It was a custom with the savages to torture and kill, if they could not sell, their prisoners of war. Several Indian children were ransomed by persons at the fort, to save them from being shot or more cruelly put to death by their captors. One of these children, a girl named Sally, was purchased by Charles Decker, who gave her to his sister, Mrs. Clara D. Young, by whom she was reared to womanhood. Sally, after becoming civilized, went back to her people from a pure sense of duty. Hoping to benefit her race by living among them, she became the wife of Kanosh, a Pauvant chief, but was unable to endure the hardships of savage life, and soon passed away.

and improvements, and settling there, founded Brownsville, which became Ogden City.*

Pioneer Mills.—About the time that these northern settlements were formed, the Gardner Brothers, Archibald and Robert, built a saw-mill, and John Neff a grist-mill, on Mill Creek, south of Salt Lake City; and gradually farming districts spread in that and in other directions.

The Cricket Plague.—Little more than a camp was the so-called "City"—a log and mud fort, enclosing huts, tents, and wagons, with about eighteen hundred inhabitants—when an event occurred as unlooked for as it was terrible. It was the cricket plague.

This calamity befell while President Young was still on the Missouri River, preparing to bring more of the migrating people to their new home among the mountains. Those already here were anxiously awaiting the results of their first labors to redeem the desert and make the wilderness to blossom. As already shown, some plowing and planting had been done by the Pioneers immediately upon their arrival. But the seeds then put in, though well irrigated, did not mature, owing to the lateness of the season. It was therefore their first real harvest in this region that the settlers were looking forward to at the time of the cricket invasion.

Much depended upon that harvest, not only for the people already in the Valley, but for the immigrants, who were about to join them from the far-away frontier. The supplies brought by those who came the first season had been designed to last only about twelve months. They were gradually getting low, and these settlers were well-nigh isolated from the rest of mankind. "A thousand miles from anywhere" was the phrase used by them to describe their location. They had little communication with the outside world, and that little was by means of the ox-team and the pack-mule. If their harvest failed—what then?

In the spring of 1848, five thousand acres of land were under cultivation in Salt Lake Valley. Nine hundred acres had been sown with winter wheat, which was just beginning to sprout. Then came the crickets! In May and June myriads of these destructive pests rolled in black legions down the mountain sides, and attacked the fields of growing grain. The tender crops fell an easy prey to their fierce voracity. The ground over which they had passed looked as if scorched by fire.

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*The extent of the Goodyear tract was twenty miles square. The trapper's picket fort, enclosing a few log cabins, stood on the right bank of the Weber, not far from the present Union Railway depot.

Thoroughly alarmed, the community—men, women and children—marshaled themselves to fight the ravenous foe. Some went through the fields, killing the crickets—but crushing much of the tender grain. Some dug ditches around the farms, turned water into the trenches, and drove and drowned therein the black devourers. Others beat them back with clubs and brooms, or burned them in fires. Still the crickets prevailed. Despite all that could be done by the settlers, their hope of a harvest was fast vanishing, a harvest upon which life itself seemed to depend.

GULL MONUMENT

Rescued by the Gulls.—They were rescued, as they believed, by a miracle—a greater miracle than is said to have saved Rome, when the cackling of geese roused the slumbering city in time to beat back the invading Gauls. In the midst of the work of destruction, when it seemed as if nothing could stay it, great flocks of gulls appeared, filling the air with their white wings and plaintive cries. They settled down upon the half-ruined fields. At first it looked as if they had come but to help the crickets destroy. But their real purpose was soon apparent. They came to prey upon the destroyers. All day long they gorged themselves, disgorged, and feasted again, the white gulls upon the black crickets, like hosts of heaven and hell contending, until the pests were vanquished and the people were saved. The birds then returned to their habitat—the Lake islands, leaving the grateful settlers to shed tears of joy over their timely deliverance.

A season of scarcity followed, but no fatal famine; and before the worst came, the glad people celebrated, with a public feast, their first harvest home.

A Sacred Bird.—The gull is still to be seen in the vicin-

ity of the Great Salt Lake. The wanton killing of these birds was made punishable by law. Rome had her sacred geese; Utah would have her sacred gulls, forever to be held in honor as the heaven-sent messengers that saved the Pioneers.*

Feast of the Harvest Home.—The harvest feast of 1848 occurred on the 10th of August. In the center of the Fort a bowery was erected, and underneath tables were spread, bounteously and richly laden. Says Parley P. Pratt, in a glowing description of the event: "Large sheaves of wheat, rye, barley, oats, and other products, were hoisted on poles for exhibition, and there was prayer and thanksgiving, congratulations, songs, speeches, music, dancing, smiling faces, and merry hearts. It was a great day with the people of these valleys, and long to be remembered by those who had suffered and waited anxiously for the results of a first effort to redeem the interior deserts of America."

Immigration of 1848.—In September of that year Brigham Young arrived a second time in Salt Lake Valley, bringing with him nearly twenty-five hundred immigrants and about eight hundred wagons. With him came Heber C. Kimball and Willard Richards, his counselors in the First Presidency of the Church. Winter Quarters had been practically vacated, but Kanesville was in prospect, a town laid out by the Latter-day Saints in Pottawattamie County, Iowa, a few miles above Council Bluffs.†

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*From accounts given by early settlers, it seems that there were three successive years—1848, 1849, and 1850—during which the crickets after partly devastating the fields, were destroyed by the timely arrival of the gulls. An article by Dr. James E. Talmage, in "The Improvement Era," for December, 1909, throws light upon this subject.

The Rocky Mountain cricket is thus described by Anson Call: "When full grown it is about one and one-half inches in length, heavy and clumsy in its movements, with no better power of locomotion than hopping a foot or two at a time. It has an eagle-eyed, staring appearance, and suggests the idea that it may be the habitation of a vindictive little demon."

A fitting celebration of the episode of the crickets and the gulls took place September 29, 1913, when the Gull Monument was unveiled on Temple Block, Salt Lake City. This beautiful monument is the work of a Utah sculptor, Mahonri M. Young, grandson of President Brigham Young.

†Kanesville, named for Colonel Thomas L. Kane, became a point of outfit and departure for the Utah emigrants. Coming from Europe, by way of New Orleans, they steamed up the Mississippi and the Missouri to that point, where the overland journey began. Orson Hyde, the leading man at Kanesville, established there, in February, 1849, a paper called "The Frontier Guardian." During a conference, held on the site of Kanesville in December, 1847, the First Presidency, which had been vacant since the death of Joseph Smith, was organized,

The Food Problem.—Immediately after President Young's arrival, a conference was held in Salt Lake Valley, and the most pressing needs of the community received prompt attention. The population was then between four and five thousand. How to provide for them was a problem, as the signs of a long and severe winter began to show themselves. More houses might be built, and some families might make shift with their wagons until spring; but where were the "loaves and fishes" with which to feed these "five thousand?"*

The winter of 1848,1849 was uncommonly severe. Heavy snows and violent winds prevailed, and the weather, from the first of December until late in February, was extremely cold. The mercury fell to thirty-three degrees below zero. An inventory of breadstuffs, taken early in February, showed about three-fourths of a pound per day for each person until the beginning of July. The pressure of the famine was sorely felt, but the community generally shared alike, and extreme suffering was thus prevented.

The Pioneer City.—The Old Fort was now abandoned, the families all moving out upon the town lots previously distributed to them. Many took with them their log huts, portions of the old stockade, which gradually disappeared as the city grew.

Great Salt Lake City—for that was its original name—had been laid out in the summer of 1847, Orson Pratt and Henry G. Sherwood making the preliminary survey on the second day of August. The altitude at the southeast corner of Temple Block—the base and meridian—was determined as 4,309 feet above sea level. The plan of the city was a perfect square, north, south, east and west; each block containing ten

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with Brigham Young as President, Heber C. Kimball as First Counselor, and Willard Richards as Second Counselor. These three led the next season's immigration, which was divided into three large companies. Daniel H. Wells, Newel K. Whitney, Lorenzo Snow, Franklin D. Richards, and other men of prominence also arrived in that immigration. Joseph F. Smith, then a mere lad, accompanied his widowed mother, Mary Fielding Smith, who drove her own ox-wagon over the plains. Other notable women in the companies were Mary Ann Angell Young, Vilate Murray Kimball, Elizabeth Ann Smith Whitney, Zina D. Huntington Young, and Emmeline B. Wells.

*Says H. H. Bancroft, in his History of Utah: "That five thousand persons, including a very large proportion of women and children, almost without money, almost without provisions, except the milk of their kine and the grain which they had raised near their own camps, should, almost without the loss of a life, have accomplished this journey of more than twelve hundred miles, crossing range after range of mountains, bridging rivers, and traversing deserts, while liable at any moment to be attacked by roaming bands of savages, is one of the marvels that this century has witnessed."

acres of land. The streets were eight rods wide, with walks twenty feet in width on either side. Four blocks were reserved for public squares.*

On the outskirts, fields of five, ten, and twenty acres were laid out, the smallest ones nearest the town, and the others graded in size according to distance. Each householder had a city lot of an acre and a quarter, and a field, with enough water to irrigate his land. The planting of trees was encouraged; and in time rich orchards brought forth luscious fruits, while shade trees lined the clear, sparkling streams flowing down both sides of the charming and healthful thoroughfares. Thus was planned and built the City of the Pioneers, the parent and model of hundreds of towns and villages now dotting the surface of "The Great American Desert."

*Pioneer Square, the site of the Old Fort, is still a public park; Washington Square, where the Pioneers first encamped, contains the Salt Lake City and County Building; Union Square, with the buildings thereon, has been occupied successively by the University of Deseret and the Salt Lake City High School, the latter having its home there at this writing (1915). The Tenth Ward Square, the remaining one of the four, has become the property of the Utah Light & Traction Company.

VII.

THE PROVISIONAL STATE OF DESERET.

1849-1851.

Beginnings of Government in the Great Basin.—Necessity now arose for some form of government, pending the establishment of a regular civic organization, the exact nature of which could not be determined until it became known which country—Mexico or the United States—would permanently possess the land upon which the "Mormon" people were making their homes. The war between the two nations was practically over, but no treaty had yet been signed, and the American inhabitants of Salt Lake Valley, as well as their countrymen along the California coast, were still upon alien soil.

The Salt Lake Stake.—Recognizing the existing need, President Young and his associates, before returning to the Missouri River, had provided for an organization which, though ecclesiastical in form, was acceptable to the colonists, nearly all of whom were members of the same religious body. At a conference held in the Fort, October, 1847, what is known as a "Stake" organization was effected. Salt Lake Valley became Salt Lake Stake, and later the Stake was divided into Wards, nineteen of which were in Salt Lake City.*

Civic Officers.—In addition to the Stake and Ward authorities, whose functions were ecclesiastical, other officers were appointed, by common consent, to preserve the peace, levy and collect taxes, and carry on public improvements. A "County Organization" is referred to in the Pioneer records, with such officers as probate judge, sheriff, recorder, and treasurer. A "Municipal Council" is likewise mentioned. All this before the setting up of a regular civic government. John Van Cott was marshal, with John Nebeker as his assistant; and

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*A Stake is a subdivision of the Church, and like the Church is presided over by three high priests, who constitute the stake presidency. Associated with these are twelve high priests, known as high councilors. Each ward is presided over by a bishop with two counselors. The bishops are as common magistrates, and the high council, with the stake presidency, sits as an appellate court. Salt Lake stake was organized with John Smith, Charles C. Rich, and John Young as its presidency, and with Henry G. Sherwood, Thomas Grover, Levi Jackman, John Murdock, Daniel Spencer, Lewis Abbott, Ira Eldredge, Edson Whipple, Shadrach Roundy, John Vance, Willard Snow, and Abraham O. Smoot as high councilors. Tarlton Lewis was the first bishop, prior to the ordination, in February, 1849, of nineteen bishops to preside over the newly created wards of Salt Lake City. The Stake was then re-organized, with Daniel Spencer, David Fullmer and Willard Snow as its Presidency.

Albert Carrington served as postmaster. The situation of these people was similar to that of the early settlers of New England, and their methods of government were much the same as those of their ancestors in Massachusetts, Connecticut, and other colonies.

First Political Convention.—A purely political rule, however, soon became necessary. By the treaty of Guadalupe Hidalgo, signed on the 2nd of February, 1848, Mexico ceded this region to the United States, and the settlers, most of whom were native Americans, took steps, after the return of their absent leaders, toward founding an American commonwealth, a government subject to and agreeable with the constitution and laws of the great Republic.

As usual in such cases, a convention was called, to consider the political needs of the community. This call, issued in February, 1849, was addressed to "all the citizens of that portion of Upper California lying east of the Sierra Nevada Mountains;" meaning, in general terms, the country bounded on the east by the Rocky Mountains, on the west by the Sierra Nevada, on the north by the Territory of Oregon, and on the south by the Republic of Mexico.* The people were invited to meet at Great Salt Lake City on Monday, the 5th of March. The thought of Inauguration Day was probably in mind when the call was issued, but the 4th falling upon Sunday, the 5th was chosen instead.

A Territory Proposed.—When the mass convention assembled, it was decided to ask Congress for the organization of a Territory, to be named Deseret, a word taken from the Book of Mormon, and signifying "Honey Bee." Accordingly, a petition was sent to the City of Washington, requesting early action in the matter. The bearer of this petition, Dr. John M. Bernhisel, took with him a letter of introduction to Senator Stephen A. Douglas, signed by Brigham Young, Heber C. Kimball and Willard Richards, the three most prominent men in the community. These men had been acquainted with Senator Douglas in Illinois. They were now the First Presidency of the "Mormon" Church.†

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*"Upper California," so called to distinguish it from Lower California, the peninsula still bearing that name, comprised the present States of California, Nevada, and Utah, here named in the order of their elevation to sovereignty.

†The personnel of the General Authorities of the Church stood as follows: First Presidency, Brigham Young, Heber C. Kimball, Willard Richards; Twelve Apostles, Orson Hyde, Parley P. Pratt, Orson Pratt, John Taylor, Wilford Woodruff, George A. Smith, Amasa M. Lyman, Ezra T. Benson, Charles C. Rich, Lorenzo Snow, Erastus Snow, Franklin D. Richards; Patriarch, John Smith; First Council of

A Temporary State Government.—The Convention adopted a constitution, which ordained and established "The Provisional Government of the State of Deseret;" the boundaries of which were the same as those of the proposed Territory. They embraced present Utah and Nevada, and parts of Wyoming, Colorado, New Mexico and Arizona, with a strip of sea-coast in Southern California, including the port of San Diego.*

The Earliest Election.—The election of officers for the Provisional Government took place at Salt Lake City on the 12th of March, 1849, with the following result: Brigham Young, Governor; Heber C. Kimball, Chief Justice; Newel K. Whitney and John Taylor, Associate Justices; Horace S. Eldredge, Marshal; Daniel H. Wells, Attorney General; Albert Carrington, Assessor and Collector; Joseph L. Heywood, Surveyor of Highways. At the same time justices of the peace were elected, one for each of the nineteen wards of Salt Lake City, and each of the outside precincts, namely, Weber River, North Mill Canyon (Sessions Settlement), Big Cottonwood, North Cottonwood, South Cottonwood, and Mill Creek. Subsequently the members of the Legislature were chosen. All officers, whether elective or appointive, served without pay.

The General Assembly—Petition for Statehood.—The General Assembly of Deseret held its first session on the 2nd of July, probably at the Council House, which was also known

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the Seventy, Joseph Young, Levi W. Hancock, Henry Herriman, Zera Pulsipher, Albert P. Rockwood, Benjamin L. Clapp, Jedediah M. Grant; Presiding Bishop, Newel K. Whitney. Presidents Brigham Young and Heber C. Kimball acted as counselors to the Presiding Bishop.

*The Constitution of Deseret provided that the State Government should have its seat at Great Salt Lake City, with its powers divided into three branches—legislative, executive, and judicial. All the officers were elective by the people, and the Legislature, or General Assembly, was to hold annual sessions, the initial one on the first Monday in July, 1849. All subsequent sessions were to be held on the first Monday in December. Members of the House of Representatives were to be elected every two years, and the Senators every four years. The former must be at least twenty-five, and the latter thirty years of age, all free, white, male citizens of the United States, residing in the State of Deseret. The Legislature was to elect its own officers, who, with the members, were to make oath or affirmation to support the Constitution of the United States and the Constitution of the State of Deseret. The Governor's term of office was four years. The judiciary was to consist of a Supreme Court and such other inferior tribunals as the General Assembly might provide. A State militia was to be organized, armed, equipped and trained. It was required that voters at the first election should be free, white, male residents of the State, over the age of twenty-one.

as the State House.* By that time the founders of the commonwealth had become better informed respecting the relative advantages and disadvantages of State and Territorial government, and had decided to ask Congress to admit Deseret into the Union as a State. Accordingly, a new petition was prepared, and having been signed by the legislators and other citizens, it was sent to Washington. Colonel Almon W. Bab-

THE COUNCIL HOUSE.

bitt was the bearer of this petition and a copy of the state constitution to the national capital.†

Proposed Joint Admission.—The people west of the Sierra Nevada having also set up a provisional government, it was proposed to secure the admission of Deseret and California as one State, with the understanding that they would afterwards separate and form two distinct commonwealths. President

*The Council House, Utah's first legislative hall, stood at the corner of Main and South Temple Streets, Salt Lake City. It was built of red standstone, was erected in 1848-1849, and destroyed by fire in 1883. The old site is now occupied by the Deseret News Building.

†The new petition set forth that the people of Deseret, for their own security, and to preserve the constitutional right of the United States to hold jurisdiction here, had organized a Provisional State Government, under which the civil policy of the Nation was duly maintained; it affirmed that there was a sufficient number of individuals residing within the State to support a government of this character, thereby relieving the General Government from the expenses of a territorial rule; and for these and other reasons Congress was asked to ratify the proposed constitution and admit Deseret into the Union on an equal footing with the other States.

Zachary Taylor was said to favor this plan, which promised a solution of the slavery question in the newly-acquired province, the inhabitants of which were to decide for themselves whether the State should be slave or free. Deseret consented to the proposed union, but with the proviso that the separation should take place at the beginning of the year 1851, when each State, with its own constitution, was to become free, sovereign and independent, without any further action by Congress. Nothing came of the movement, California being unwilling to unite.

The Militia Organization.—Meanwhile the Provisional Government of Deseret went into effect. One of its first acts was to organize the militia, Charles C. Rich and Daniel H. Wells being appointed a military committee for that purpose. They completed their labors in May, 1849. Nearly all the men were enrolled as soldiers of the State.*

Primitive Mail Service.—As yet there was no regular mail service, the news from East or West being brought by chance travelers. The eastbound mail, in the summer of 1849, was carried by Colonel Babbitt, on his way to Washington. In those days letters were without envelopes or stamps, and were wrapped in buckskin covers, tied round and round with strings of the same material.†

Almost a Famine.—The work of building up the State went steadily on, though in the face of distressing conditions. There was almost a famine in the land. A scant harvest, resulting from the cricket plague, as well as from drouth and frost, had made the food question a serious one, and clothing and other necessaries were almost as scarce as bread-stuffs. Nearly every man in the community dressed in buckskin and

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*Men over fifty years of age were called "Silver Greys," and those under eighteen "Juvenile Rifles." The militia was known as "The Nauvoo Legion," a name previously borne by the Nauvoo part of the militia of Illinois. It was modeled, with some variations, after the Roman Legion. There were two cohorts—one of cavalry, under Brigadier-General Jedediah M. Grant, and the other of infantry, under Brigadier-General Horace S. Eldredge. Two companies comprised the artillery. The first militia organization was a body of cavalry—"Minute Men"—commanded by Captain George D. Grant. Subsequently military districts were established. The chief officer of the Legion was Lieutenant-General Daniel H. Wells.

†"How quiet, how still, how free from excitement we live! The legislation of our High Council, the decision of some judge or court of the Church, a meeting, a dance, a visit, exploring tour, the arrival of a party of trappers and traders, a Mexican caravan, a party arrived from the Pacific, or from Fort Bridger; a visit of Indians, or a mail from the distant world once or twice a year, is all that breaks the monotony of our busy and peaceful life."—Parley P. Pratt, in a private letter, September, 1848.

wore Indian moccasins. Those who had provisions put their families upon rations, while those who were without, or had but little, dug and ate sego and thistle roots, or cooked the hides of animals, to eke out their scanty store.*

THE SEGO LILY.

How Relief Came—The California Gold Discovery.—Relief came in a manner most unexpected—and here the history of Deseret again connects with the history of California. It has already been shown how the Mormon Battalion received its discharge at Los Angeles in July, 1847, and how the main body of the volunteers set out to rejoin their families and friends, in the Great Basin or on the Missouri frontier. Our narrative now has to do with these returning soldiers. Pursuing at first a northwesterly course, they came to Sutter's Fort, near the present City of Sacramento, and there some of them found temporary employment. The main body, reaching Lake Tahoe, met Samuel Brannan, coming back from Salt Lake Valley after his ineffectual attempt to persuade the Pioneers to locate their new home on the Pacific Coast. Brannan gave a doleful account of the place they had chosen for a settlement, and expressed the belief that they would yet follow his advice and remove to California. At Truckee River the Battalion men met Captain Brown, and received from him the epistle of the Church authorities, advising such of them as had no families to remain on the Coast and work through the winter. About half of them turned back, quite a number rejoining their comrades at Sutter's Fort, where they also secured employment.

About forty-five miles east from the Fort, in the little valley of Coloma, on the south fork of the American River, a saw mill had been erected for Captain Sutter. After the mill was completed, the water was turned into the race, to clear away dirt and other debris, preliminary to a trial run. The stream having been shut off, Sutter's foreman, while walking along

*The memory of this early use of the soft and bulbous root of the sego lily, quite as much as the natural beauty of the flower, caused it to be selected in after years as the floral emblem of Utah.

the tail-race, picked up from the bottom of the ditch a few yellow, shining particles, about the size of wheat grains. These were assayed, and found to be gold. The foreman was James W. Marshall, famed as the discoverer of gold in California (January, 1848). But others besides Marshall were concerned in the famous "find;" "Mormon" picks and shovels had helped to bring the precious metal to the surface.

The Bigler Record.—One of Sutter's "Mormon" employes, Henry W. Bigler, afterwards of St. George, Utah, made what was probably the first record of the world-renowned discovery. The entry in his diary read as follows: "Monday, 24th, This day some kind of metal was found in the tail race that looks like gold." Six days later he wrote: "Our metal has been tried, and proves to be gold., It is thought to be rich. We have picked up more than one hundred dollars worth last week." Associated with Bigler were Alexander Stephens, James S. Brown, James Berger, William J. Johnson, and Azariah Smith, all, like himself, ex-members of the Mormon Battalion.*

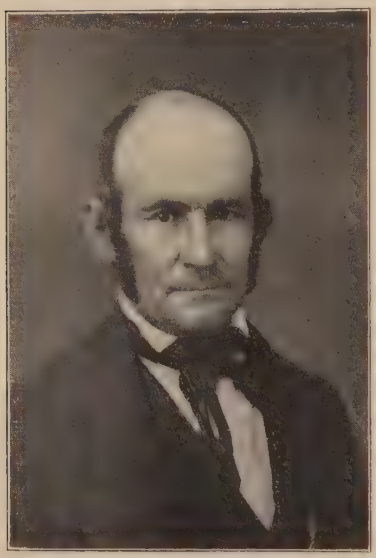
Brannan as Promoter.—One of the most enthusiastic promoters of the gold excitement was Samuel Brannan. He stirred San Francisco, which was at first indifferent, to a fever of agitation over the event. Coming from Sutter's Fort, he brought with him, as did others, gold dust and nuggets from the placers. "Gold! Gold! Gold!" shouted Brannan, as he strode down the street, swinging his hat with one hand, and holding in the other a bottle of the yellow dust, which he displayed to the gaping crowds that gathered round him. Sight, reinforcing rumor, kindled a fire that could not be quenched; Brannan's paper, the "Star," added fuel to the flame; and from the wild rush to the gold fields that followed, San Francisco was in some danger of being depopulated.

The "Argonauts."—The excitement was not confined to California. It extended over the civilized world, and by sea and land eager souls from many nations hurried to the new El Dorado. Much of this emigration passed through Salt Lake Valley. Here the tired gold-seekers halted for rest, or to obtain means to enable them to reach their journey's end. Some had loaded their wagons with merchandise and supplies for

*These names are given as they appear in James S. Brown's "Life of a Pioneer." Some of the richest gold finds on the American River were due to these men and their comrades who took part in extending the area of the original discovery. "Mormon Island," in the American River, became noted for its "diggings." A number of the Battalion men, while working on Sutter's land, shared the results of their labors with him and his partner, Marshall, who furnished provisions and tools for the prosecution of the enterprise. Afterwards the employes operated independently on claims of their own.

the mining camps. Impatient at their slow progress, and hearing that other merchants had arrived by sea before them, they all but threw away the valuable goods they had freighted over a thousand miles. Their choice, blooded, though now jaded stock was eagerly exchanged for the fresh mules and horses of the settlers. Dry goods, groceries, provisions, clothing, implements—in short, all that was needed by the poorly fed, half-clad community in the mountains, was bartered off to them at almost any sacrifice, so anxious were the owners to lighten their loads and shorten the time of travel. In this manner "the gold emigration," as it was called, greatly benefited the people in the Basin.

Heber C. Kimball's Prophecy.—The advent of the gold hunters, and the relief that came with them, brought about the fulfillment of a prophecy uttered by Heber C. Kimball several months before. During the days of scarcity, while the settlers hardly knew where to look for the next crust of bread or for rags to hide their nakedness, President Kimball declared in a public meeting that "State's goods," within a short time, would be sold in Salt Lake City cheaper than in St. Louis or New York, and that the people would be abundantly supplied with food and clothing. The surprise of the congregation at hearing these words was not based upon any expectation that they were destined to be realized. Rather were the people astounded that one of their wisest men would make such a seemingly preposterous statement. The realization came, however, in the manner described.*



HEBER C. KIMBALL.

*Said the Frontier Guardian: "When they (the emigrants) saw a few bags and kegs of gold dust brought in by our boys, it made them completely enthusiastic. Pack mules and horses that were worth twenty-five dollars in ordinary times, would readily bring two hundred dollars in the most valuable property at the lowest price. Goods and other property were daily offered at auction in all parts of the city. For a light Yankee wagon, sometimes three or four great heavy ones would be offered in exchange, and a yoke of oxen thrown in at that. Common domestic sheeting sold from five to ten cents per yard by

The Gold Fever.—The "gold fever" infected some of the citizens of Deseret, and an influence had to be exerted by the leading men to prevent too large an emigration from these parts. "We cannot eat gold and silver," said Brigham Young, to the people who had elected him Governor. "Devote yourselves to agriculture, manufacture, coal and iron mining; establish those industries that lie at the basis of ever state's prosperity, and let the gold and silver stay where they are, until the proper time comes to bring them forth and utilize them." Such was the substance of his advice. Despite all persuasion, however, some were hurried away, overcome by the prevailing thirst for sudden wealth.*

Governor Young's Attitude Toward Mining.—Governor Young, while deprecating the extravagances of the gold excitement, and averse to the premature opening of precious mines nearer home, had no prejudice against mining as a vocation, though some of his critics would fain have the world so believe. . Party after party of "Mormon" missionaries, on their way to the Pacific Islands and other parts, were counseled by him to work in the California mines long enough to provide themselves with means of transportation to their various fields of labor; and they acted accordingly.

First Money—The Deseret Mint.—Much of the gold mined in California found its way to Deseret, and served a timely purpose. Money was exceedingly scarce, and great inconvenience had resulted. Exchange and barter was the rule, clothing and furniture being paid for with cattle, wheat or potatoes. Frequently little bags of gold dust were handed around, in lieu of dollars and cents. An effort was made to coin the dust, but the crucible used in the process broke, and paper money was

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the bolt. The best of spades and shovels for fifty cents each. Vests that cost in St. Louis one dollar and fifty cents each, were sold at Salt Lake City for thirty-seven and one-half cents. Full chests of joiners' tools that would cost one hundred and fifty dollars in the East, were sold in Salt Lake City for twenty-five dollars. Indeed, almost every article, except sugar and coffee, were selling on an average fifty per cent. below wholesale prices in the Eastern States."

*On the other hand, it is a remarkable fact that the Battalion men who had been advised from Salt Lake Valley to rejoin the main body of their people at an early day, did so, notwithstanding the prevalent and constantly growing excitement over the gold fields that was beginning to sweep the coast lands like a cyclone. Preparatory to their journey to Deseret, in 1848, they rendezvoused at Dutch Flat, a few miles from Coloma, and crossed the Sierra Nevada at or near the head of the American River. Three of their number, David Browett, Daniel Allen, and Henderson Cox, moving out ahead, were waylaid and killed by Indians. The others reached their destination in safety. Many of the "Brooklyn" company—perhaps most of them—also came to "The Valley;" but Brannan, their sometime leader, remained in California. He died many years later in Mexico.

then issued.* A second attempt to coin the dust succeeded, and gold pieces were then issued, ranging in value from two and one-half dollars up to twenty dollars. These coins were of unalloyed virgin gold, and were designed merely for local use. As soon as United States money became available, they were called in and disposed of as bullion to the Federal mints. The Deseret Mint was in a small adobe building on South Temple Street, a little east of where the palatial Hotel Utah now stands.†

The Stansbury Expedition.—Late in August, 1849, Captain Howard Stansbury, of the United States Topographical Engineers, arrived from Fort Leavenworth at the head of an expedition having as its object a Government exploration and survey of Great Salt Lake Valley. He was accompanied by Lieutenant John W. Gunnison, also of the Topographical Corps, and Lieutenant G. W. Howland, of the Mounted Rifles. These, with fifteen others, composed the surveying party. A few emigrants for California had traveled with them from the frontier.

Rumors of the coming of the expedition had preceded it, and speculation was rife as to its purpose. The impression prevailed that the lands upon which the people had settled were about to be seized by the Government, with a view to breaking up the colony; an impression emphasized by an incident that occurred a few days before Stansbury's arrival. While General John Wilson, the newly-appointed Indian Agent for California, was passing through Salt Lake City, one of his party had boasted that the General held authority from the President of the United States to drive the "Mormon" settlers from their lands, and until the leader of the surveying expedition explained to the contrary, his coming was supposed to be connected with the unauthorized assertion of Wilson's officious subordinate. Captain Stansbury, calling upon Governor Young,

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*The first bill—one dollar—was dated January 1st, 1849. This was before the Government of Deseret was organized, and while the Municipal Council was attending to the public business. The making of these bills, for which Brigham Young and Thomas Bullock set the type, was the first printing done in Salt Lake Valley. Old bills, issued by the Kirtland Bank, a "Mormon" institution in Ohio, which went down in the financial crash of 1837, also served as a temporary currency during this period.

†The first dies for the Deseret coins were cut by John Kay, assisted by William Clayton and Thomas Bullock, the former as accountant, the latter as weigher. The next ones were made by Douglas Brown, in the office of James M. Barlow, jeweler, whose record says: "For a number of years, and until Governor Cumming ordered its discontinuance, I refined the gold and coined it into money." The dies, punches, and drop or hammer, were made by Alfred B. Lambson and Martin H. Peck.

stated his real object, and was cordially welcomed and offered all possible assistance to facilitate his operations; a fact gratefully acknowledged by him in his book, afterwards published.*

*"Exploration and Survey of the Valley of the Great Salt Lake," etc., by Howard Stansbury. Philadelphia, 1852. Another title for the book is "Stansbury's Expedition."

Lieutenant Gunnison also wrote a book entitled "The Mormons—Their History and Religion," wherein he says: "We found them, in 1849, organized into a State, with all the order of legislative, judicial, and executive offices, regularly filled under a constitution eminently republican in sentiment and tolerant in religion." He thus goes on: "Of the parties organized in the States to cross the plains, there was hardly one that did not break into several fragments, and the division of property caused a great deal of difficulty. Many of these litigants applied to the courts of Deseret for redress of grievances, and there was every appearance of impartiality and strict justice done to all parties. Of course there would be dissatisfaction when the right was declared to belong to one side alone, and the losers circulated letters far and near, of the oppression of the Mormons. They would sometimes rebel against the equity decisions, and then they were made to feel the full majesty of civil power. For contempt of court they were most severely fined, and in the end found it a losing game to indulge in vituperation of the court, or make remarks derogatory to the high functionaries. Again, the fields in the Valley are imperfectly fenced, and the emigrants' cattle often trespassed upon the crops. For this a good remuneration was demanded, and the value being so enormously greater than in the States, it looked to the stranger as an imposition and an injustice to ask so large a price. A protest would usually be made, the case then taken before the Bishop, and the costs added to the original demand. Such as these were the instances of terrible oppression that have been industriously circulated as unjust acts of heartless Mormons upon the gold emigration. But provisions were sold at very reasonable prices, and their many deeds of charity to the sick and broken down gold-seekers, all speak loudly in their favor, and must eventually redound to their praise. Such kindness, and apparently brotherly good will among themselves, had its effect in converting more than one to their faith, and the proselytes deserted the search for golden ore, supposing they had found there pearls of greater price."

Captain Stansbury wrote in a similar vein, and that, after an experience in the payment of fines and costs resulting from the trespass of some of his mules upon the corn fields of the settlers. He testifies that the people treated the passing emigrants with fairness and kindness, and that the latter were afforded protection against Indians and outlaws in general. "Too many that passed through their settlements," says Stansbury, "were disposed to disregard their claim to the land they occupied, to ridicule the municipal regulations of their city, and to trespass wantonly upon their rights. Such offenders were promptly arrested by the authorities, made to pay a severe fine, and in some instances were imprisoned or made to labor on the public works; a punishment richly merited, and which would have been inflicted upon them in any civilized community. In short, these people presented the appearance of a quiet, orderly, industrious, and well-organized society, as much so as one would meet with in any city of the Union, having the rights of personal property as perfectly defined and as religiously respected as with ourselves."

He was aided in his survey of Salt Lake Valley by Albert Carrington, one of the Pioneers.

Immigration of 1849.—The immigrants of 1849, led by Orson Spencer, George A. Smith, Ezra T. Benson and others, suffered severely from cholera, especially while ascending the Missouri River, between St. Louis and Kanesville. A Welsh company under Captain Dan Jones was particularly unfortunate, losing sixty lives. Three companies nearly perished in a fearful snow-storm at South Pass.*

Emigrational and Missionary Activities.—In the fall of that year the Perpetual Emigrating Fund Company was incorporated, with a view to assisting the poor among the Latter-day Saints in various countries to migrate to their gathering place in the West. In order to make the fund perpetual, those aided by it were expected to return, as soon as possible, the means advanced for their transportation. Every year this company sent wagons to the Missouri River, to bring emigrants across the plains.†

Simultaneously with the inception of the P. E. Fund enterprise, the first missionaries were sent out from the region of the Rocky Mountains. The several parties were bound respectively for Great Britain, Scandinavia, France, Germany, Italy, California, and the Pacific Islands.‡

Character of the Colonists.—Talent and genius, brain and brawn, from various parts of the world, came in the early immigrations to Salt Lake Valley. There were farmers, laborers, tradesmen, mechanics, merchants, manufacturers, and busi-

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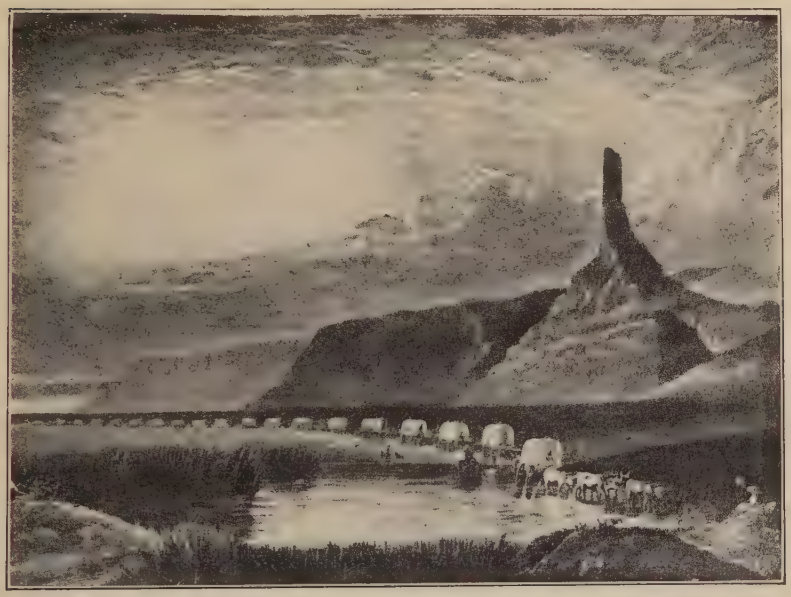
*These and other circumstances caused the "Mormon" leaders to contemplate at one time a change in the route of their European emigration. Instead of bringing it by way of New Orleans, it was proposed to have it cross the Isthmus of Panama, or go around Cape Horn, landing at San Diego, California, thence traveling overland to Salt Lake Valley. This project was never put into effect, but much of the immigration of future years, avoiding the river route, landed at Boston, or New York, and thence traveled overland to the Rocky Mountains.

†Some seasons as many as five hundred wagons were furnished for that purpose. Brigham Young was president of the company, and Edward Hunter the first emigration agent. The Church and its leading men were the principal contributors to the Fund, and five thousand dollars was the sum of the original contributions.

‡In order to comprehend the full significance of these movements, it must be borne in mind that the Latter-day Saints claim lineal descent from ancient Israel, and that their religion contemplates the literal gathering of the chosen people, in fulfillment of prophecy. Converted by missionaries sent to the nations, they are brought to America, "the land of Zion," to prepare for the second coming of the Messiah. Such is the meaning of all the missionary and emigrational activities of the "Mormon" Church. It was to promote the work of "The Gathering" that the Perpetual Emigrating Fund was established.

ness men, with a liberal sprinkling of artists, musicians, writers, and other professional people. "In their degree the pick and flower of England," was the comment passed upon a ship's company of these emigrants, by the afterwards famous Charles Dickens, while a reporter on a London newspaper. A select committee of the House of Commons, after thorough investigation, pronounced the "Mormon" emigrant ship "a family under strong and accepted discipline, with every provision for comfort, decorum, and internal peace."*

The Land Question.—Wherever settlements sprang up



EMIGRANT TRAIN PASSING CHIMNEY ROCK.

they were upon lands claimed by the Indians and acquired by the United States at the close of the war with Mexico. The Nation was expected to deal with the Indians, and in due time

*Crossing the sea, generally in large companies, cared for by capable agents, these emigrants traveled in various ways to the frontier, where wagons from the West awaited them. They were then reorganized for the journey over the plains; an ox team and wagon, with three months' supplies, being necessary for the average family. The toilsome trip at an end, they would be met by relatives or friends, and given employment at Salt Lake City, or sent to settle and develop new sections. Most of the new-comers, taking up and improving land, and practicing wherever possible their trades or professions, soon acquired homes of their own. The company described by Dickens was that of the ship "Amazon," sailing from London in June, 1863.

with the settlers, but until it took steps in this direction the people could obtain no title to their homes. Much anxiety was felt by them in consequence. While waiting for the National Government to dispose of the soil, the Provisional Government made temporary grants to its citizens, of the lands they occupied, including the use of grazing ground, with water and timber for milling and lumbering purposes.*

Utah, Sanpete, and Tooele Valleys Colonized.—Southward from Salt Lake Valley, the first colonizing movement was made in the spring of 1849. John S. Higbee, a pioneer of 1847, was placed at the head of about thirty families, with wagons and a complete outfit, and directed to form a settlement in Utah Valley. The company included Dimick B. Huntington, Indian interpreter. They left Salt Lake City about the middle of March, and camping on Provo River, built a fort and began to farm. Fort Utah—for so it was called—was the usual cluster of log houses surrounded by a stockade. In the middle arose a block-house, upon which a cannon was mounted.†

Sanpete Valley had been explored during the previous August, by William W. Phelps, Joseph Horne, and others. They entered the valley through Salt Creek Canyon, and were entertained in a most friendly manner by the Indians. In the following November a company of about fifty families, from Salt Lake City and Centerville, were led by Isaac Morley, Charles Shumway, Seth Taft, and Nelson Higgins, to the present site of Manti, where they formed the first settlement in that part. About the same time Tooele Valley began to be occupied, Phineas R. Wright, John Rowberry, and Cyrus Tolman being the earliest to settle there.

Southern Utah Explored—Counties Organized.—During December, 1849, Parley P. Pratt, with fifty men, explored southern Utah, as far as the junction of the Rio Virgen and Santa Clara rivers. This party, on its return, indicated a place in Little Salt Lake Valley where, a year later, George A.

*Twenty years passed, after the settlement of Salt Lake Valley, before the United States land laws were fully extended over this region; though a Surveyor-General was appointed for Utah and tracts of land surveyed under his authority as early as 1855. The Pioneers distributed their lots and fields by ballot, each city lot costing its holder one dollar and a half, with small fees for surveying and recording. Under the Provisional Government, a "right of occupancy" was issued by the State which was to answer the purpose of a title until the General Government surveyed the lands and put them on the market.

†The Pioneers brought a cannon with them to Salt Lake Valley, and several pieces of artillery came in the companies that followed. Two brass cannon, purchased at Sutter's Fort by "Mormon" Battalion men, at a cost of over five hundred dollars, were brought to Deseret and donated for the general defense.

Smith with a colony located the town of Parowan. All these movements were directed by the Church authorities, or by the General Assembly of Deseret. That body, during the winter of 1849-1850, created the counties of Salt Lake, Weber, Utah, Sanpete, Tooele and Juab. Juab County was then unoccupied.

Indian Troubles Begin—The Battle Creek Fight.—Up to that time there had been no serious trouble with the Indians, barring a hot skirmish on Battle Creek, where Colonel John Scott, with thirty or forty mounted men, severely punished a band of renegades who had been stealing horses and cattle from herds ranging in Salt Lake and Tooele valleys. Battle Creek (now Pleasant Grove) took its name from this fight, which occurred early in March, 1849.

Nothing in that episode seems to have disturbed the friendly relations existing between the settlers and the principal Ute chieftains. Sowiette and Walker—such were their names*—had visited Salt Lake Valley the year before, and invited their "white brothers" to come among them and teach them how to till the soil and become civilized. It was in response to this invitation, repeated in the summer of 1849, that the settlement in Sanpete Valley was formed, Chief Walker himself acting as guide for the exploring party. Moreover, he invited Governor Young to send colonies farther south. But all the savages did not see eye to eye upon these propositions, or else some of them changed their minds, with or without sufficient cause.

Fort Utah Besieged.—For several months after Fort Utah was built, the Indians on Provo River remained peaceable and friendly. Then came a change; they began to steal grain from the fields, and cattle and horses from the herds. Now and then an arrow from an Indian bow would fall uncomfortably near some settler while out gathering wood in the river bottoms. Gradually matters grew worse; the inhabitants of the fort were fired upon as they issued from the stockade, and finally it was virtually in a state of siege. The people bore these annoyances patiently until nearly spring, and then sent word to Governor Young at Salt Lake City. The word came from Isaac Higbee, who was then in charge of the colony.†

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*These names are also spelled Sau-ee-ett and Wahker or Walkara, in various records.

†One cause of the trouble, as reported to Governor Young several years later, was the killing of an Indian chief, "Old Bishop," in a quarrel with three men from the Fort, one of whom laid claim to a shirt which the chief was wearing, and which he said he had purchased. The Indian drew his bow, and was shot dead by one of his assailants. His tribesmen, after finding the body, began the depredations complained of by the settlers.

Governor Young's Quandary—Captain Stansbury Consulted.—The Governor faced what he deemed a delicate situation. Fort Utah must be relieved, and at once; but to violence and bloodshed he was much opposed. Moreover, he had to consider how the Government at Washington would regard such a proceeding, and what effect it would have upon Deseret's petition for statehood. Fortunately there was a Government officer near, who could be consulted—Captain Stansbury, whose engineers, while operating around Utah Lake, had been interfered with by the Indians. Governor Young, after conferring with Captain Stansbury, decided to send an armed force against the savage marauders. The Captain not only approved the plan, but helped to fit out the expedition. He permitted Lieutenant Howland, of the Mounted Rifles, to act as adjutant, and Doctor Blake as surgeon, of the expedition. He also furnished tents and camp equipage for the soldiers.

Minute Men to the Front.—Fifty "minute men," commanded by Captain George D. Grant, and fifty more under Major Andrew Lytle, set out for the scene of the trouble. The weather was extremely cold, and the hard crusted snow lay nearly two feet deep in the valleys. Progress was difficult. After marching nearly all night, before daybreak on the morning of February 8th the two companies of cavalry arrived at Provo River. They found the settlers in their fort on the south side of the stream, and the Indians a mile or two above, strongly entrenched among willows and timber in the river bottom. Near their breastwork, which was built of felled cottonwood trees, was a double log house, deserted by a family that had taken refuge in the fort. This house was now held by the savages—seventy-five or a hundred warriors, under Chiefs Old Elk and Ope-carry. Captain Peter W. Conover, the fort commander, united his men with those from Salt Lake City, and took a position about half a mile southwest of the Indian breastwork.

The Provo River Battle.—A battle ensued lasting two days. The Indians fought stubbornly, and for a time all efforts to dislodge them were futile. They killed Joseph Higbee, son of Isaac Higbee, and wounded several others of the attacking force. Cannon were used against them, but with little effect, as they were protected by the river bank, and most of the shots passed harmlessly over. Thrusting their gun barrels through the frozen snow on the bank above them, they would lift their heads long enough to take aim, and then discharge volleys at their assailants. On the second day a cavalry charge, led by Lieutenant William H. Kimball, and in which Lot Smith and Robert T. Burton figured prominently, captured the

double log house, from the windows and crevices of which the savages had kept up an almost incessant fire. At the suggestion of Lieutenant Howland, a barricade of planks, shaped like a V, was constructed and placed on runners. This barricade, overlaid with brush and pointed toward the enemy, concealed a dozen men, who pushed it toward the Indian stronghold. The dusky inmates, seeing the strange object approach, quickly divined its purpose and decided to retreat. They redoubled their fire until night-fall, and then, under cover of the darkness, withdrew.

General Wells in the Field.—Next morning General Wells arrived, and preparations were made to renew the attack before it was discovered that the Indians had gone. Some of them were pursued up Rock Canyon, and others—the main body—to the south end of Utah Lake, where a fight took place on the ice, General Wells commanding in person. The hostiles were all but annihilated. Their loss included Old Elk, who died in Rock Canyon of wounds received during the two days' battle on the Provo.*

Predatory Shoshones—General Eldredge.—In September of the same year a band of Shoshones, angered by harsh treatment experienced at the hands of passing emigrants, began a series of raids upon the settlements adjacent to Weber and Ogden rivers. They pastured their ponies in the grain fields, stole corn and melons, and ran off cattle and horses, until their conduct became unbearable. At Brownsville (Ogden) Urban Stewart fired upon some Indian night-raiders, with fatal effect as to one of them; and next day the savages retaliated by killing a man named Campbell, at the same time threatening Brownsville with assault and massacre. The situation being reported to militia headquarters, a detachment of cavalry under General Horace S. Eldredge was hurried to the scene. As the militia advanced, the Indians retired, moving northward and taking with them cattle and horses belonging to the settlers. This closed the incident, which was the final Indian trouble dealt with by the authorities of the State of Deseret.

Notable Acts of the Provisional Government.—It was the Provisional Government that created the University of Utah, originally the University of Deseret, which received its charter in February, 1850. In January, 1851, the General Assembly chartered the cities of Salt Lake, Ogden, Provo, Manti, and Parowan. The Legislature forbade by law the sale or gift of

*Efforts were made to civilize the captured squaws and papooses, whose male protectors had fallen, but without avail. They lived with the settlers during the winter, and then sought their native wilds.

arms, ammunition or liquor to the Indians. Liquor was manufactured and sold for medical and domestic uses, but saloons and all dens of vice were prohibited. The Government of the State of Deseret continued until April, 1851, when it was merged into the Government of the Territory of Utah.

VIII.

THE TERRITORY OF UTAH.

1850-1853.

Boundary Lines.—Congress denied Deseret's prayer for Statehood, and organized the Territory of Utah; California at the same time being admitted into the Union. Utah was bounded on the west by the State of California, on the north by the Territory of Oregon, on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude. This cut off the strip of seacoast included in the proposed State of Deseret, but still left the Territory an area of 225,000 square miles. The character of the country thus enclosed caused Senator Seddon, of Virginia, to remark that it "had been abandoned to the Mormons for its worthlessness."

Colonel Babbitt, delegate and proposed representative from the State of Deseret, on arriving at the City of Washington late in 1849, had sought the earliest opportunity to deliver the public documents of which he was the bearer. The State Constitution and memorial for admission were placed in the hands of Senator Douglas, who presented them in the upper house of Congress during December. Later they were referred to the Senate Committee on Territories. About the same time a memorial signed by William Smith, Isaac Sheen, and other apostate "Mormons" was submitted to that body. This memorial set up the claim that its signers were the legitimate presidents of the Church of Jesus Christ of Latter-day Saints, and asserted that fifteen hundred "Mormons," prior to the exodus from Nauvoo, had sworn an oath of eternal hostility to the United States Government.

Opposition to Statehood.—The Committee on Elections of the House of Representatives, after considering Colonel Babbitt's application for a seat in that body, reported a resolution containing this sentence: "The admission of Mr. Babbitt would be a quasi recognition of the legal existence of the State of Deseret; and no act should be done by this body which, even by imputation, may give force and vitality to a political organization extra-constitutional and independent of the laws of the United States." The House adopted the resolution by a majority vote, and Colonel Babbitt was denied admission.

Creation of the Territory.—The Senate, after a delay of nearly nine months, passed a bill providing for the organiza-

tion of the Territory of Utah. Two days later this bill passed the House, and was approved by President Millard Fillmore. It was signed by him on the 9th of September, 1850, but the news did not reach Salt Lake City until the 27th of January, 1851. Even then it did not come directly or in an official way, but having been published in Eastern papers and carried across the Isthmus and up to San Francisco, along with the tidings of California's admission, it was brought to Utah by a returning missionary.*

PRESIDENT FILLMORE.

Federal Appointees.—While disappointed at the denial of their petition, and feeling that Congress had been partial to the people of California, the citizens of Utah made the best of the situation, and were not without feelings of gratitude toward the Administration, for its consideration in the matter of Federal appointees. Brigham Young, Governor of Deseret by popular vote, was now Governor of Utah by presidential appointment; and three other prominent "Mormons" were likewise commissioned to represent the United States in this Territory. The full list of the Federal officers was as follows: Brigham Young, Governor; Joseph Buffington, Chief Justice; Perry E. Brocchus and Zerubbabel Snow, Associate Justices; Seth M. Blair, Attorney; and Joseph L. Heywood, Marshal. Three Indian agents were also named—Jacob H. Holman, Henry R. Day, and Stephen B. Rose.

The Governor, the Attorney, and the Marshal were residents of Salt Lake City. Judge Snow was living in Ohio, but had relatives in Utah. Secretary Harris was from Vermont, and Judge Brocchus from Alabama. Chief Justice Buffington, a Pennsylvanian, declined his appointment, and Lemuel G. Brandebury, of the same State, was appointed in his stead.

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*That missionary was Henry E. Gibson. He had gone west with Charles C. Rich, George Q. Cannon and others, in the autumn of 1849. They were the first Utah men to pass over "The Southern Route," the trail now covered by the San Pedro Los Angeles and Salt Lake Railroad. Gibson brought to Salt Lake City a copy of the New York Tribune, containing a list of President Fillmore's appointments for this Territory.

The Indian agents were also from outside the Territory. All these officers—four "Mormons" and six "Gentiles"—were nominated soon after the passage of the Organic Act. Governor Young's commission, signed by President Fillmore and attested by Daniel Webster, Secretary of State, was dated September 28, 1850.*

State and Territorial Government.—Americans love to govern themselves. For that reason the founders of Utah preferred a State to a Territorial form of government, though the cost of maintaining it would have been greater.† The peo-

*The Governor, Secretary, Judges, Attorney, and Marshal were to hold office for four years and until their successors were elected and qualified, unless sooner removed by the power that appointed them. Each officer, before beginning his labors, was required to take oath or affirmation before a magistrate, to support the Constitution of the United States, and faithfully discharge the duties of his office. All acts of the Legislature had to receive the approving signature of the Governor before going into effect as laws. The Governor held authority to commission all officers appointed under those laws, and it was his duty, as Chief Executive of the Territory, to see that the laws were enforced and justice administered. He also had power to grant pardons and reprieves. He was Commander-in-Chief of the Militia, and Superintendent of Indian Affairs. The duty of the Secretary was to keep a record of all laws and proceedings of the Legislature, all official acts and proceedings of the Governor, and to send copies of the same annually to the President and to Congress. As usual in the case of Territories, Congress reserved the right to disapprove and annul any act passed by the Legislature and approved by the Governor. In the absence of the Governor, the Secretary could perform all the duties of the Executive office.

Utah was divided into three judicial districts, and over each a Federal Judge was to preside and hold court therein; the three judges to constitute the Supreme Bench of the Territory. The Attorney and the Marshal were to attend to all United States business in or pertaining to the District and Supreme Courts. There were also probate courts, one for each county, and lesser tribunals presided over by justices of the peace.

The Governor's salary was fifteen hundred dollars a year, with an additional one thousand dollars for his services in the Indian Department. He was also allowed one thousand dollars annually for contingent expenses of the Territory. The Secretary and the three Judges were each to receive eighteen hundred dollars a year, while the Attorney and the Marshal, in addition to their small salaries, were to be paid fees for services rendered. The Secretary had at his disposal money to meet the expenses of the Legislature, which was composed of thirteen councilors and twenty-six representatives, each of whom was to receive three dollars a day, with mileage, during attendance at the sessions. These were to be held annually, and each was to be limited to forty days.

†A State pays its own expenses, including the salaries of its officers; while in a Territory the officers, appointed by the President, draw their salaries from the National Treasury. The General Government also defrays the expenses of the Territorial Legislature, but the Governor of Utah could prevent any act of the Legislature from becoming a law, by withholding from it his signature. The power so to nullify

ple of Deseret were denied Statehood because Congress deemed them unprepared to assume its rsponsibilities. The reason, more plainly stated, was the intense prejudice existing against the "Mormon" people and their religion.

Public Sentiment Over Governor Young's Appointment—His Installation.—The selection of Brigham Young for Governor was much criticised in many places, but it gave general satisfaction in Utah. The "Gentiles" then in the Territory were among those who commended the appointment. Captain Stansbury regarded it as "a measure dictated alike by justice and by sound policy." The President's act won for him the gratitude of the entire "Mormon" community.*

Governor Young was absent when the news of his appointment reached Salt Lake City, but next day, while returning from a tour of the northern settlements, he was met near Farmington by General Wells, who saluted him as Governor of Utah and at the head of a company of cavalry escorted him to the city, amid firing of cannon and other demonstrations of rejoicing. He took the oath of office on the 3rd of February, before the Chief Justice of Deseret.

Provisional Government Dissolved.—On the 26th of March, Governor Young addressed a special message to the General Assembly, suggesting such arrangements as would

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the acts of the people's representatives, was called the absolute veto power. Needless to say it was hateful to the majority of the citizens. In a State, if two-thirds of each branch of the Legislative Assembly vote to pass an act over the Governor's veto, it then becomes a law without his signature. A State may send two Senators and one or more Representatives to Congress. Formerly these Senators were chosen by the Legislature, and the Representatives by the citizens at large; the number of representatives being determined by population. Now the United States Senators are elected by the people. A Territory may send a Delegate to Congress, who sits in the House of Representatives, but has no vote, and can speak only by permission of the other members, even upon questions affecting the Territory from which he comes. Statehood is usually given to the people requesting it when they become numerous and wealthy enough to support the higher form of government.

*President Fillmore had been influenced in his choice for Governor by Colonel Thomas L. Kane, to whom he referred, after his act was questioned, for explanations and the refutation of certain charges made against Brigham Young. The Colonel reiterated his former statement of the Governor's "excellent capacity, energy and integrity," and testified also to his patriotism. In this connection he mentioned the enlistment of the Mormon Battalion, and said to the Chief Magistrate:

"It happens felicitously enough for the purpose of the accusation before you, that Brigham Young was the man of all others whose influence carried that measure through with the Church. It was his American flag that was brought out to float over those hills for the first time; his drums beat, and his brave American speeches rang through the hearts of the people."

render convenient a transition from the Provisional to the Territorial form of government. Acting promptly upon this suggestion, the Assembly, in joint session, passed a resolution appointing the 5th of April as the time for the change to go into effect.* As a matter of fact, however, the Provisional Government "held over," until the machinery of the Territorial Government got into full operation, which was later in the year.

First Territorial Election—Technical Irregularities.—This change made desirable the early election of the Territorial Legislature. It was necessary, also, to choose the Delegate to Congress in time to enable him to cross the plains before the winter storms set in. Governor Young, prior to the election, caused "a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken;" a work completed on the 26th of June. The returns, which were from Great Salt Lake, Davis, Weber, Utah, Sanpete, Iron,

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*The resolution, which was passed March 28, 1851, read as follows:

"Be it resolved by the General Assembly of the State of Deseret

"1. That we cheerfully and cordially accept the legislation of Congress in the Act to establish a Territorial Government for Utah.

"2. That we welcome the Constitution of the United States—the legacy of our fathers—over this Territory.

"3. That all officers under the Provisional State Government of Deseret are hereby requested to furnish unto their successors in office every facility in their power, by returning and delivering unto them public documents, laws, ordinances, and dockets, that may or can be of any use or benefit to their said successors in office.

"4. That Union Square, in Great Salt Lake City, be devoted for the use of public buildings of said Territory.

"5. That Governor B. Young be our agent to make drafts upon the treasury of the United States for the amount appropriated for said buildings, and to take such other measures as he shall deem proper for their immediate erection.

"6. That we appoint an architect to draft designs, and a committee of one, to superintend the erection of said buildings.

"7. That Truman O. Angell, of said city, be said architect, and Daniel H. Wells, of said city, the committee; and that they proceed immediately to the designing and erection of said buildings.

"8. That, whereas, the State House in Great Salt Lake City having been originally designed for a "Council House," and erected by and at the expense of the Church of Jesus Christ of Latter-day Saints, for the purpose, as well as to accommodate the Provisional Government; that we do now relinquish unto said Church the aforesaid building, tendering unto them our thanks for the free use thereof during the past session.

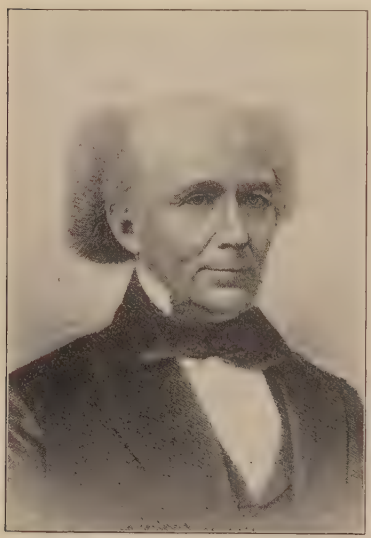
"9. That we fix upon Saturday, the fifth day of April next, for the adjustment and final dissolving of the General Assembly of the State of Deseret.

"H. C. Kimball, President of the Council.
"J. M. Grant, Speaker of the House."

and Tooele Counties, and from Green River Precinct, gave a total of 11,354 souls, excluding Indians, and including twelve colored free males and an equal number of colored free females, who were passing through the Territory.

The Governor next apportioned the membership of the Council and the House of Representatives, and issued a proclamation appointing Monday, August 4th, 1851, as the time for holding the election. It was held accordingly.*

These proceedings were somewhat irregular. The enumeration of inhabitants was not returned upon regular census blanks, which had not arrived from Washington; and the Governor's proclamation apportioning the Legislative representation, was without the signature and seal of the Secretary, who had not yet appeared upon the scene. But the action taken was deemed necessary, in order to prevent further delay: the greater part of a year having gone by already, since the Territory was organized and its Federal officers appointed.



JOHN M. BERNHISEL.

Delegate Bernhisel.—The man chosen to represent Utah in Congress was Dr. John M. Bernhisel, of Salt Lake City, a gentleman of culture, well versed in the science of government, and a graduate from the medical department of the University of Pennsylvania. While there he had numbered among his classmates and personal friends, Simon Cameron, the senior United States Senator from Pennsylvania, Bernhisel's native State. He was also intimately acquainted with Thaddeus Stevens and other statesmen. In national politics Dr. Bernhisel was a Whig, but be-

*Great Salt Lake County elected six Councilors and thirteen Representatives; Utah County, two Councilors and three Representatives; Weber County, two Councilors and three Representatives; Davis County, one Councilor and three Representatives; Iron County, one Councilor and two Representatives; Sanpete County, one Councilor and one Representative; Tooele County, one Representative. Juab County had no representation, being still unoccupied. The first settler in that part was Joseph L. Heywood, who founded Salt Creek (Nephi) in September, 1851.

came Delegate by the united vote of the people, Utah having no political parties at that time.

Federal Officers from the East—Assignments.—Of the Federal officers from the East, the first to arrive in the Territory was Chief Justice Brandebury, who reached Salt Lake City on the 7th of June, nearly two months before the election. A ball and supper were given in his honor at the Warm Springs Building, a newly erected amusement hall in the northern suburb of the town. Secretary Harris and Judge Snow came in the latter part of July, and Judge Brocchus about the middle of August. The latter, with Orson Hyde and others, had been waylaid and robbed by Pawnee Indians while crossing the plains. Secretary Harris brought with him from Washington the sum of $24,000, appropriated by Congress for the Utah Legislature; and Colonel Babbitt, who returned at the same time, brought $20,000, the Congressional appropriation for the erection of public buildings in the Territory.

Governor Young, on the 8th of August, assigned the three Judges to their respective districts. Chief Justice Brandebury was given the First District, comprising Salt Lake and Tooele counties, with the adjacent country east and west to the boundaries of the Territory; Associate Justice Snow the Second District, comprising Davis and Weber counties, with adjacent country east, west and north; and Associate Justice Brocchus the Third District, embracing the counties of Utah, Sanpete and Iron, with adjacent parts east, west, and south. Already, as Indian Superintendent, the Governor had divided the Territory into three agencies, Parowan, Pauvan, and Uintah, assigning to them severally Chief Agent Holman and Sub-Agents Day and Rose.

The Territorial Legislature.—The Legislative Assembly of the Territory of Utah convened in its first session at Salt Lake City, on the 22nd of September, 1851. The personnel was as follows: Members of the Council: Heber C. Kimball, Willard Richards, Daniel H. Wells, Jedediah M. Grant, Ezra T. Benson, Orson Spencer, John S. Fullmer, Lorin Farr, Charles R. Dana, Alexander Williams, Aaron Johnson, Isaac Morley, George A. Smith. Members of the House: Wilford Woodruff, David Fullmer, Daniel Spencer, Willard Snow, William W. Phelps, Albert P. Rockwood, Nathaniel H. Felt, Edwin D. Woolley, Phinehas Richards, Joseph Young, Henry G. Sherwood, Benjamin F. Johnson, Hosea Stout, Andrew Lamoreaux, John Stoker, William Kay, James Brown, David B. Dille, James G. Browning, John Rowberry, David Evans, William Miller, Levi W. Hancock, Charles Shumway, Elisha Groves, and George Brimhall. Two of the Councilors, Ezra T. Benson and Jedediah M. Grant, resigned later in September to

go East, and Orson Pratt and Edward Hunter were elected on the 15th of November to take their places. At the same time John Brown succeeded Willard Snow as a Representative.

The Legislature organized by electing Willard Richards President of the Council, and William W. Phelps Speaker of the House. A joint resolution, adopted on the 4th of October, declared all laws of the State of Deseret, such as did not conflict with the Organic Act, to be of full force and effect in the Territory of Utah. This action of the Legislature preserved the charters granted to the several cities and to the University of Deseret.

Location of the Capital.—It had been designed to locate the Territorial capital at Salt Lake City; Union Square having

STATE HOUSE AT FILLMORE.*

been offered as a site for the proposed public buildings. But now it was decided to choose a more central location; and this led to the creation of the County of Millard and the City of Fillmore, both named in honor of the President of the United States. Preliminary to that event, Anson Call was sent with a

*This State House was begun, but never completed. The Legislature held but one full session at Fillmore (1855-1856). Several succeeding Legislatures met there in order to conform to the law, but immediately adjourned to Salt Lake City, where they could do their work more conveniently. Finally the capital was legally moved to this city. Its location in Central Utah was found to be a mistake, the greater part of the population being in the northern counties.

company to Chalk Creek, in Pauvan Valley, where, on the 29th of October, under the direction of Governor Young and a committee appointed by the Legislature, the capital was laid out and a site for the State House selected.

Discontented Officials.—Judge Brocchus, if report did not belie him, surveyed his duties in Utah a disappointed man. It was believed and asserted that he desired to represent the Territory in Congress, and was chagrined at learning, while on the way to Salt Lake City, that the election for Delegate had already taken place. He did not even visit his district, and from the first gave evidence of dissatisfaction.

Chief Justice Brandebury and Secretary Harris were in sympathy with Brocchus. The three had been but a short time in Utah when they announced their intention of returning to the East. They complained of the smallness of their salaries, which Congress had fixed in the Organic Act. An effort was made to remove this cause of discontent; a petition asking for an increase in those salaries being signed by Governor Young and other citizens and sent to Washington. Still the Judges and the Secretary adhered to their determination. Governor Young then called upon them in person, expressing regret over their intended departure, and endeavoring to dissuade them from their purpose; but without avail. They were getting ready to leave, and Indian Agent Day was preparing to go with them.

Judge Brocchus and Governor Young.—Before leaving Utah, Judge Brocchus, in a public meeting, took occasion to criticize conditions in the Territory, and to censure some of the leading men for utterances construed by him as unfriendly to the Federal Government. His most offensive remark was one reflecting upon the virtue of the women of the community. This scurrilous fling awoke a storm of indignation. The congregation arose en masse, and the orator, unable to make himself heard above the din he had created, took his seat. Governor Young calmed the tumult and answered, denying that the people of Utah were unfriendly to the Government, and affirming their loyalty and devotion to American principles. As President of the Church, and in behalf of the women assailed, he severely reprimanded the fault-finding magistrate, and informed him that he had never had the honor of addressing a more virtuous assemblage.*

*Judge Brocchus had requested from President Young the privilege of addressing this meeting, which was a session of the General Conference of the Latter-day Saints, held in the "Old Bowery," on Temple Block. Judge Brandebury and Secretary Harris were also present and had seats upon the stand. Brocchus, according to his own statement, was "respectfully and honorably introduced" by the "Mor-

In a correspondence that ensued, Judge Brocchus disclaimed any intent to insult the women of Utah, and affirmed that he had said nothing "deserving the censure of a just-minded person." President Young, in reply, told him that he had insulted not only the women, but the men, and in charging them with "a spirit of defection toward the Government," he was either "profoundly ignorant or wilfully wicked." That his speech had been deliberately planned, the Judge admitted, and that it was worded with a view to its effect in the East, rather than in Utah, was the general belief of those who heard him.

Secretary and Legislature.—Learning that Secretary Harris intended to take with him the funds appropriated by Congress for the Legislature, also the Territorial seal, with various records and documents, Governor Young endeavored to prevent what he considered an illegal act on the part of that functionary. Summoning the Legislature, he laid the facts before them, and a resolution was passed directing the United States Marshal to take into custody all Government funds and property in charge of the Secretary. The Marshal was also instructed to present to him for payment an order for five hundred dollars, covering the incidental expenses of the Assembly.

Mr. Harris refused to honor these requisitions. He contended that the election of the Legislature was illegal, and claimed to have private instructions not to pay out any funds, unless such action were strictly legal according to his own judgment. The Judges, when appealed to, held that the Secretary was amenable only to the United States Government for the manner in which he discharged his duties. It transpired that Judges Brandebury and Brocchus had organized the Supreme Court and held a session, without waiting for the Governor and Legislature to fix time and place, and had granted an injunction to prevent any one acting under the au-

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mon" leader. His insult to the women was couched in the following language: "I have a commission from the Washington Monument Association, to ask of you a block of marble as the test of your loyalty to the Government of the United States. But in order for you to do it acceptably you must become virtuous, and teach your daughters to become virtuous, or your offering had better remain in the bosom of your native mountains."

The people of Utah had not waited for the coming of Judge Brocchus, before taking appropriate action in this matter. In February, 1851, before the dissolution of the Provisional Government, the General Assembly had passed a resolution providing that a block of native marble be prepared for the purpose indicated, and in compliance with that resolution, a block of native oolite (no marble being quarried here that early) was suitably carved and lettered by William Ward, a local sculptor, and forwarded to the national capital, as Utah's contribution to the Washington Monument.

thority of the body "purporting to be the Legislative Assembly of the Territory" from interfering with said funds and property. From this decision Judge Snow dissented, on the ground that the session was illegal.

Governor Young to President Fillmore.—In anticipation of an unfriendly report to the national authorities, Governor Young, the day after the departure of the two Judges and the Secretary, addressed a communication to the President of the United States, in which his own course as Executive and the conduct of the retiring officers were set forth in detail. He assured the President that he intended to discharge faithfully every duty of his office, and would take the liberty of reporting, in behalf of the absent Secretary, the acts and doings of the Legislative Assembly, which was still in session. In conclusion he stated that he would receive gratefully any instructions that the Chief Magistrate might be pleased to give.*

Charges of Sedition and Polygamy—The Grant Letters.—The returning Judges and Secretary, on arriving in Washing-

*The Governor's communication to the President was dated September 29, 1851. Answering objections raised by the Secretary relative to the recent election, he maintained that the enumeration of inhabitants, made without the use of regular census blanks, had met the requirements of the Organic Act, and explained that the reason why the Governor's proclamation apportioning the representation did not receive the signature and seal of the Secretary, was because that officer had not then arrived, and it was imperative that matters should proceed without further delay. Then followed this paragraph:

"It has been and is said of myself and of the people over whom I have the honor to preside, that they frequently indulge in strictures upon the acts of men who are entrusted with Governmental affairs, and that the Government itself does not wholly escape. Now, sir, I will simply state what I know to be true. * * * No people exist who are more friendly to the Government of the United States than the people of this Territory. The Constitution they revere, the laws they seek to honor. But the non-execution of those laws, in times past, for our protection, and the abuse of power in the hands of those entrusted therewith, * * * for this we have cause of complaint. * * * The foregoing is a case in point. What good and substantial reason can be given that the people of this Territory should be deprived, for probably nearly a year to come, of a Supreme Court, of the official seal, of a Secretary of State, of the official publication of the laws, and other matters pertaining to the office of Secretary? Is it true that officers coming here by virtue of an appointment by the President, have private instructions that so far control their actions as to induce the belief that their main object is not the strict and legal performance of their respective duties, but rather to watch for iniquity, to catch at shadows, and make a man 'an offender for a word'? * * * I cannot conceive that it can or ought to be in the power of any subordinate officer to subvert or even retard for any length of time the ordinary motion of the wheels of Government. * * * So far as the public interests are concerned, it would have been quite as well if neither of these gentlemen (Judges Brandebury and Brocchus) or Mr. Harris had ever troubled themselves to cross the plains."

ton, reported that they had been "compelled to leave Utah on account of the lawless acts and seditious tendencies of Brigham Young and the majority of the residents." They charged Governor Young with a waste of public funds, meaning by this the proposed erection of the State House at Fillmore. They also referred to the existence of polygamy (plural marriage) in Utah, a fact that had given the cue to Judge Brocchus, when he offered his public insult to the women of the "Mormon" community.

The communication of the three officials appeared in the New York Herald, January 10, 1852, and was offset by a series of letters published, one in the Herald, and all in a pamphlet widely circulated, over the signature of Jedediah M. Grant, Mayor of Salt Lake City. Mayor Grant had been sent East to help Dr. Bernhisel counteract the efforts of the complaining officials at the seat of Government. The Grant letters were largely the product of the caustic and brilliant pen of Colonel Thomas L. Kane. Secretary Webster directed the "runaways" to return to their posts, or else resign. They chose the latter course.

New Appointments Requested.—The Utah Legislature petitioned the Federal Government to fill the vacancies caused by these resignations, and requested that the new appointees be residents of Utah, and that they be selected as soon as possible. Pending action upon the petition, Governor Young appointed Willard Richards Secretary of Utah, pro tem.

JUDGE SNOW.

Associate Justice Snow—Utah's First Federal Court.—To meet in some degree the emergency that had arisen, Judge Snow was authorized by the Legislature to hold court in all the districts. At the same time certain changes were made in the boundaries of those districts. Sessions of court were to be held at Salt Lake City, Provo, Manti, Fillmore and Parowan; these provisions to remain in force until the President and Senate of the United States, who were duly informed of all that was done, should supply a full bench of the Supreme Court of the Territory.

The first United States Court ever held in Utah was opened by Judge Zerubbabel Snow at Salt Lake City. He examined and passed upon the proceedings of the Governor, in calling the Legislature, holding them to be legal, though somewhat informal. His decision was reported to and sustained by the United States Department of State, which also sanctioned the appointment of a temporary Secretary. The bills signed by Mr. Richards, as well as his salary for services in that capacity, were allowed and paid by the Government.*

New Counties—Probate Courts and their Jurisdiction.—During the winter of 1851-1852, the Legislature created the counties of Iron and Washington, and provided for the complete organization of these and the counties previously existing.† In addition to the powers usually possessed by probate courts, such as the settlement of estates and the guardianship of minors, those now organized were given general civil and criminal jurisdiction, making them almost equal with the district courts, to which, however, there was the right of appeal. This extension of powers was deemed necessary at the time, owing to the absence of two of the three Federal judges, a situation that threw too great a burden upon Judge Snow.‡

Territorial Attorney-General and Marshal.—Another Legislative enactment of that period created the offices of Territorial Attorney-General and Territorial Marshal. It was made the duty of these officers and their deputies to act for the Territory in all its legal business arising under the local laws, leaving to the United States Attorney and United States Mar-

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*Judge Snow presided at the first murder trial in Utah. It took place in the District Court at Salt Lake City. Howard Egan, a Pioneer, had shot James Monroe, for seducing his wife, and Egan was tried and acquitted. The case was prosecuted by United States Attorney Seth M. Blair, and the defendant was represented by George A. Smith and William W. Phelps.

†Probate Judges were elected by the Assembly and commissioned by the Governor, as follows: Salt Lake County, Elias Smith; Weber County, Isaac Clark; Davis County, Joseph Holbrook; Utah County, Preston Thomas; Tooele County, Alfred Lee; Juab County, George H. Bradley; Sanpete County, George Peacock; Millard County, Anson Call; Iron County, Chapman Duncan.

‡Owing to disagreements that soon arose, the Legislature contemplated an amendment of its laws, so as to limit the jurisdiction of the probate courts; but the continued practice of many of the Federal judges of absenting themselves from the Territory for long periods, leaving litigants without recourse to their tribunals, caused matters to remain as they were. The final settlement of the controversy came with the enactment by Congress of the Poland Law (1874), limiting the jurisdiction of the lesser courts.

shal that part of the public business arising under the Federal statutes.*

Proclamation of Plural Marriage.—About this time the first public announcement was made by the Church in Utah of its belief in and practice of the principle of plural marriage, commonly called "polygamy." It had been introduced at Nauvoo, and practiced there by Joseph Smith, Brigham Young, and other prominent "Mormons;" and the institution had been perpetuated during and after the migration of the people to the Rocky Mountains. But not until the 29th of August, 1852, were these facts openly proclaimed to the world. The occasion was a special conference of the Church; the place, Salt Lake City; and the speaker, Elder Orson Pratt, who, under direction from President Brigham Young, delivered a discourse embodying the official announcement.†

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*The Comptroller of the United States Treasury, Hon. Elisha Whittlesey, had informed the Legislature, through Judge Snow, that the General Government would defray only the expense attendant upon the settlement of United States business in the courts, and that the Territory must assume the cost of its own. From time to time there was friction between the two sets of officers provided, and this was one cause for the enactment of the Poland Law.

†Elder Pratt asserted the scriptural character of the doctrine of plurality of wives, and declared that the motive behind this form of marriage, both in ancient Israel and in modern or "Mormon" Israel, was not to gratify the carnal feelings of man, but to enable righteous men and women, in fulfillment of the divine command to "multiply and replenish the earth," and under sacred obligations, restrictions, and limitations, to raise up a healthier and more numerous posterity, to be taught and trained in the ways of truth and righteousness. In beginning his discourse the speaker affirmed the doctrine to be a part of the religious faith of the Latter-day Saints, and he maintained that its free exercise was guaranteed by the Constitution of the United States.

Says B. H. Roberts, in his History of the Mormon Church ("Americana" for April, 1913): "It was time this action was taken. The Church owed it to frankness with the world to make the official proclamation; for many were in doubt in respect to knowing what course to pursue. It had been a matter of wide knowledge within the Church for some time that such a principle was believed in and practiced by many of the leading Elders; and yet none to whom this knowledge had come in an official way, felt at liberty to make proclamation of the doctrine, neither was it their prerogative to do so; and in the absence of an official announcement it had become a profound source of embarrassment. Justice to the women involved in the system, moreover, no less than candor with the world, also required this official proclamation; for their standing must have become equivocal had it been much longer delayed.

"As to the effect this proclamation had upon the work in general, men will differ in their opinions. That at the first it gave the opponents of the work great advantage, may not be doubted; for from every foreign mission came reports of increased opposition resulting in many cases in mob violence. Indeed the reports of the 'run-away officers'—Brocchus, Day and Brandebury, and their charge of the practice of plural marriage in Utah, now confirmed by the official proclamation of

Supplemental to the action taken at the Conference, Orson Pratt was sent to the City of Washington to establish and conduct a periodical setting forth the doctrines of the Church of Jesus Christ of Latter-day Saints, including the plural wife doctrine. Accordingly he published at the national capital a paper called "The Seer," the first number of which made its appearance in January, 1853.*

Federal Vacancies Filled.—The Authorities at Washington exercised due deliberation in filling the Federal vacancies in Utah. Eventually Lazarus H. Reed, of New York, was appointed Chief Justice; Leonidas Shaver, Associate Justice; and Benjamin G. Ferris, Secretary. It was June, 1853, when the new Chief Justice made his appearance upon the streets of Salt Lake City. Concerning his reception Judge Reed said in a letter: "I waited on His Excellency, Governor Young, exhibited to him my commission, and by him was duly sworn and

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the doctrine and the practice of it, became the chief weapon in the hands of the opponents of the New Dispensation."

A glance at "polygamy" in early Utah is given by Captain Stansbury in his book, the "Expedition," which was published during the same year that the plural wife doctrine was proclaimed. He says: "If a man once married desires to take a second helpmate, he must first, as with us, obtain the consent of the lady intended, and that of her parents or guardians, and afterwards the approval of the Seer or President, without which the matter cannot proceed. The woman is then 'sealed' to him under the solemn sanction of the Church, and stands, in all respects, in the same relation to the man as the wife that was first married. The union thus formed is considered a perfectly virtuous and honorable one, and the lady maintains without blemish the same position in society to which she would be entitled were she the sole wife of her husband. * * * Purity of life, in all the domestic relations, is strenuously inculcated. * * * Upon the practical working of this system of plurality of wives, I can hardly be expected to express more than a mere opinion. * * * So far, however, as my intercourse with the inhabitants afforded me an opportunity of judging, its practical operation was quite different from what I had anticipated. Peace, harmony, and cheerfulness seemed to prevail, where my preconceived notions led me to look for nothing but the exhibition of petty jealousies, envy, bickerings, and strife. Confidence and sisterly affection among the different members of the family seemed pre-eminently conspicuous, and friendly intercourse among neighbors, with balls, parties, and merry-makings at each other's houses, formed a prominent and agreeable feature of the society. In these friendly reunions, the President, with his numerous family, mingled freely, and was ever an honored and welcome guest, tempering by his presence the exuberant hilarity of the young, and not unfrequently closing with devotional exercises the gaiety of a happy evening."

*For a similar purpose, "The Mormon," with John Taylor as editor and publisher, was established in New York City, issuing its first number in February, 1855. About the same time "The Luminary" was published in St. Louis by Erastus Snow, and a little later (1856) George Q. Cannon founded "The Western Standard" in San Francisco.

installed as Chief Justice of Utah. I was received by Governor Young with marked courtesy and respect. He has taken pains to make my residence here agreeable."

Judge Shaver and Secretary Ferris had arrived the year before. The coming of the two magistrates was a great relief to Judge Snow, who for many months had been doing the work of three. Each district now had its own Judge, and the Supreme Bench of the Territory was complete.*

*Secretary Ferris was the first of the new officers to retire. He spent about six months in Utah, and then went to California. While here he collected materials for a book, "Utah and the Mormons," which he published in 1854. After his departure Willard Richards served another term as Secretary pro tem., and was succeeded by Almon W. Babbitt, who was appointed Secretary by the President of the United States. Chief Justice Reed and Associate Justice Shaver remained several years in the Territory, and were held in high esteem by all the citizens.

IX.

GROWTH OF THE COMMONWEALTH.

1852-1854.

Extension of Settlements—Enterprises and Improvements.—Five years the founders of Utah had been in the Great Basin. Wisely and well had they improved the time. Wherever a spring of water bubbling up from some oasis in the desert, or the smallest stream flowing from the mountains, held out hope of agricultural success, there settlements had been formed or were in contemplation. From the neighborhood of Bear River on the north, a chain of towns and villages, encircled by farms and fields, extended southward for a distance of nearly four hundred miles. The northernmost point of civilization was Box Elder, the nucleus of Brigham City, then in Weber County; the most southern point, a ranch on Ash Creek, now the town of Harmony, Washington County. Settlements were also forming east and west of Salt Lake Valley. The beginnings of Carson County (now in Nevada) had been made, and the Green River country was about to be colonized.*

Throughout Utah the erection of public buildings, the establishment of educational, mercantile, and industrial enterprises, and the increase and improvement of mail facilities, kept pace with the growth and extension of the settlements.

First Government Mail Service.—The first regular mail service to Salt Lake City under a contract with the Federal Government, was conducted by Colonel Samuel H. Woodson, of Independence, Missouri, the eastern terminus of the route. It was a monthly service, and was started in July, 1850. During the summer of 1851 Feramorz Little, a Utah man, began

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*In September, 1851, a Utah colony under Amasa M. Lyman and Charles C. Rich purchased and occupied the San Bernardino ranch in Southern California. This property, a grant to its original owners from the Government of Mexico, was situated about one hundred miles northward from the seaport of San Diego. It was acquired with a view to establishing an outfitting post for "Mormon" emigration from the West. The ranch comprised twenty square miles, costing the colonists $77,500. A fort was built, a city laid out, municipal and ecclesiastical governments were organized, and the surrounding country was explored and improved. The San Bernardino settlement was maintained until the latter part of 1857, when all "Mormon" colonizing enterprises outside the Territory were abandoned. The old town is now the flourishing City of San Bernardino.

to carry the mail over a portion of this route, under a sub-contract from Colonel Woodson. Mr. Little's associates were Charles F. Decker and Ephraim K. Hanks. The eastern end of their division was Fort Laramie, where the carriers from east and west aimed to meet on the 15th of every month. At first only the mails were carried, but passenger traffic was soon added. Willard Richards was postmaster of Salt Lake City—the first one appointed by the Government.

The Deseret News.—President Richards was also the first editor of the Deseret News. The pioneer journal of the Rocky Mountains began its career on the 15th of June, 1850. It was then a small quarto, issued weekly, and printed on a wrought-iron Ramage hand-press, purchased in Philadelphia and brought to Salt Lake Valley in one of the early immigrations. The first home of the Deseret News was in a small one-story building on South Temple Street; the same building that contained the Deseret Mint. The News occupied one end of the humble though substantial adobe structure, and the Mint the other.

PIONEER PRINTING PRESS.

Early Schools—University of Deseret.—During that early formative period the cause of education was not neglected. Nearly every village had its day and Sabbath school, and the cities and towns their larger institutions of learning. Until schoolhouses could be built, tents and wagons were used as class rooms. Sawed-off pieces of log served for seats, and wooden paddles or shingles, upon which were pasted printed letters cut from newspapers, took the place of alphabet charts. Log and lumber school-houses were gradually superseded by buildings of adobe, brick, and stone.

The University of Deseret, under the name of "The Parent School," threw open its doors for the enrollment of students in November, 1850, nine months after the institution had been chartered. The first term was held in an adobe house belonging to John Pack, the Pioneer, and situated in the Seventeenth Ward of Salt Lake City. The second term opened in the Council House, the upper floor of which had been let for that purpose. The first Chancellor of the Univer-

sity was Orson Spencer; the first instructor, Dr. Cyrus Collins, a sojourner in Utah, on his way to California.*

Territorial Library—Social Hall.—In February, 1852, the Territorial Library, for which Congress had appropriated the sum of five thousand dollars, was opened in the Council House, with William C. Staines as Librarian. A large part of the Congressional appropriation had been expended in the East by Delegate Bernhisel, in the purchase of a choice selection of books for the institution

ORSON SPENCER

During that year the Social Hall was built—the principal place of amusement in Utah until the erection of the Salt Lake Theatre. The Hall was opened on New Year's day, 1853—not with a dramatic performance, but with "a grand ball." The first play was presented on the evening of January 17th.† The Social

*Later, Orson Spencer, William W. Phelps and Orson Pratt were the instructors. The school was supported by tuition. Its charter, granted by the Provisional Government, February 28, 1850, was ratified by the Territorial Legislature October 4, 1851. During the same year, owing to scant means and limited patronage, the department of instruction was discontinued. The Chancellor and Board of Regents, however, were regularly elected by the Legislature, and continued to do good work in supervising the public schools. Sixteen years passed before the University re-opened.

†The play was "Don Caesar de Bazan," followed by a farce, "The Irish Lion." The players were members of the Deseret Dramatic Association. This, however, was not the beginning of Utah's dramatic history. As early as 1850 plays had been produced at "The Old Bowery," a primitive structure of timber and adobe then standing on the southeast corner of Temple Block. Next came the Musical and Dramatic Company, followed by the Deseret Dramatic Association, the latter organized in 1851. This combination, after inaugurating theatricals at the Social Hall, temporarily disbanded, and for a time the Mechanics Dramatic Association held sway. A reorganization of the Deseret Dramatic Association (including the Mechanics) took place before the opening of the Salt Lake Theatre in 1862. This Association, entirely of home people, became noted. They were not actors by profession, but played for their own entertainment and that of the

Hall was used at times by the Legislature, and some sessions of the District Court were also held there. At one time the Legislature and the District Court occupied the Hall simul-

THE SOCIAL HALL.

taneously; the Council sitting upon the stage, the House in the auditorium, and the Court in a room under the stage.

The Old Tabernacle—Temple Wall.—Another notable building of that period was the Old Tabernacle, which stood where the Assembly Hall now stands. It was finished in April, 1852. When the weather was warm religious gatherings were held in "The Bowery"—not the one used as a theatre, but a similar structure also on Temple Block. The Old Tabernacle—so named after the present Tabernacle was built—was of stone and adobe, and had a seating capacity of about three thousand.

After the completion of this building, work began on the wall enclosing the grounds. The Temple Block wall, ten feet

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general public, eventually supporting traveling stars of the first magnitude.

Governor Young, who projected the Social Hall, and afterwards built the Salt Lake Theatre, believed the drama to have a noble mission. "The people must have amusements," was a saying frequently on his lips, and any movement that furnished wholesome recreation had his countenance and support. He had taken part in home theatricals at Nauvoo, and several of his daughters were members of the Deseret Dramatic Association.

high, constructed of sandstone and adobe plastered with hard cement, still remains as one of the early landmarks. It was completed in 1853-1854.

The Salt Lake Temple Begun—Other Structures.— In February, 1853, ground was broken for the Salt Lake Temple, and on the 6th of April, the Church's twenty-third anniver-

TEMPLE BLOCK, SALT LAKE CITY.

sary, the corner stones of that edifice were put in place with imposing ceremonies. An immense throng witnessed the proceedings.* During the same year the Endowment House

*This Temple was destined to cost over three million dollars, and it required forty years for its completion. Brigham Young was its projector, Truman O. Angell the architect, and Daniel H. Wells, the first superintendent of construction. The work proceeded slowly, and was much interrupted; limited means being one of the causes. At first it was decided to build the Temple of Red Butte stone, and a wooden car-track was laid to the canyon for that purpose; but afterwards the Little Cottonwood granite was chosen. Until the advent of the railroad, every stone that went into the structure was hauled by oxen a distance of nearly twenty miles. The cutting and chiseling of the huge blocks into shape, with other work about the Temple grounds, gave employment to mechanics and laborers who were continually arriving from abroad. These workmen were paid mostly in farm produce, with a little cash or merchandise, as such means became available.

was built; likewise the Church Historian's Office, the Salt Lake County Court House, and the Territorial Penitentiary. Then followed the Lion House, the Bee Hive House, and the Eagle Gate, all erected during the decade of the "fifties."

Mercantile Activities.—Outside the "Mormon" community, the first person to bring goods to the Utah market for sale, was Captain Grant, of Fort Hall, representing the Hudson Bay Company. The next traders of note were Livingston and Kinkead, a St. Louis firm, who brought a large stock of merchandise across the plains, arriving here in the autumn of 1849. A year later Holladay and Warner, another eastern firm, opened a small store on South Temple Street. Their business was in charge of William H. Hooper, who married a "Mormon" girl, espoused her religion, and became one of the leading financiers of Utah, also serving the Territory as Delegate in Congress. The senior partner of this firm was Ben Holladay, who later established the Overland Stage Line. These merchants were all "Gentiles," but they soon had "Mormon" competitors, such as the Reese Brothers, John and Enoch, and William Nixon, "the father of Utah merchants," so-called because many of his employes subsequently set up in business for themselves.*

High Prices—Barter and Exchange.—Nothing in mer-

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*Captain Grant sold sugar and coffee at "one dollar a pint," calicoes at fifty and seventy-five cents a yard, and other articles in proportion. Livingston and Kinkead sold sugar and coffee at forty cents a pound, and calicoes at twenty-five cents a yard.

Some of the advertisements of those days read quaintly now. For instance, the Reese Brothers announce that they "have constantly on hand all necessary articles of comfort for the wayfarer; such as flour, hard bread, butter, eggs, vinegar, clothing, buckskin pants, whip-lashes, as well as a good assortment of store goods," at their "store near the Council House." Alexander Neibaur, surgeon dentist from Berlin and Liverpool, informs the public that he "examines and extracts teeth, besides keeping constantly on hand a supply of the best matches, manufactured by himself." William Hennefer caps the climax by proclaiming that he has just opened, in connection with his barber shop, an eating house, where his patrons will be accommodated with every edible luxury "The Valley" affords. William Nixon is particular to point out the precise locality of his "shop"—"at Jacob Houtz's house, on the southeast corner of Council House Street and Emigration Street, opposite to Mr. Orson Spencer's." This, of course, was before the streets of Salt Lake City received their present names, and long before the houses were numbered. Mr. Nixon states that the goods he carries "will be sold cheap for cash, wheat, or flour." What was considered cheap by the sellers of goods may be seen from the following list: A small cooking stove cost from seventy-five to one hundred and fifty dollars; glass, thirty to thirty-six dollars a box; writing paper, ten to twelve dollars a ream; photographs four or five dollars each; calico prints twenty-five to fifty cents. All kinds of steel and iron goods were very expensive.

chandise was cheap at that time. The prevailing high prices induced some of the citizens to purchase their family supplies in eastern markets and freight them to Utah in their own wagons. Conscientious merchants cut down prices, but some dealers seemed to have no conscience. On many articles the profit was four to five hundred per cent, and at the same time the farmer, fruit-grower, or manufacturer was allowed as little as possible for produce or commodities taken in exchange.* In justice to the merchants accused of over-charging, it should be borne in mind that they were under very heavy expenses, and took great risks in purchasing large stocks of goods and freighting them over vast distances through untold difficulties and perils.

Primitive business methods continued for many years. The dry goods and groceries of the merchant were exchanged for the products of farm, mill and workshop, and these products, when not used at home, were turned into cash in distant markets. As soon as the fine young orchards began to bear, the dried fruit industry flourished on every hand.

Home Manufacture—Governor Young's Advice.—Much attention was given to home manufacture, and industry and economy were earnestly enjoined. Governor Young, in his message to the Legislature, in January, 1852, said: "Let home industry produce every article of home consumption." The message also contained these sentences: "Deplorable indeed must be the situation of that people whose sons are not trained in the practice of every useful avocation, and whose daughters mingle not in the hive of industry." "Produce what you consume; draw from the native elements the necessaries of life; permit no vitiated taste to lead you into indulgence of expensive luxuries, which can only be obtained by involving yourselves in debt." The Governor asked for the enactment of laws to protect local industries and to encourage the manufacturing interests.

Textile Industries.—Silk culture was persistently advocated; also the raising of flax, cotton, and wool, with the making of cloth, thread, yarn and other articles. The wool industry had begun, though on a small scale, with the founding of the commonwealth; a thousand sheep having been brought with the immigration of 1848, when the first public carding

*The Deseret News gave the public this practical piece of advice: "Let all trading shops severely alone, where they ask you fifty cents a pound for candles, forty cents a pound for sugar and soap, two dollars and a half a bunch for cotton yarn, etc., and will only give you ten dollars a ton for hay, pay you in goods at those high prices, and then forthwith sell the hay for fifteen dollars in cash. * * * Hay is worth fifteen dollars * * * and it will soon be worth twenty dollars."

machine was set up in Salt Lake Valley. Silk worms and mulberry trees were imported from the south of France in the fore part of the "fifties," and about the same time cotton and flax were raised in various parts of the Territory.

Sugar and Iron.—In August, 1852, there arrived in Utah the machinery for a beet sugar plant, John Taylor, as agent for the Church, having purchased it in Liverpool at a cost of $12,500. The machinery was set up in the southern suburb of Salt Lake City; Sugar House Ward taking its name from the attempt then made to establish this industry. The attempt was unsuccessful, but the memory of it remained as an inspiration for future efforts that have been productive of remarkable results. The abandoned Sugar House was turned into a paper mill, the forerunner of a larger one subsequently established and conducted in the same vicinity by the Deseret News Company.

The Deseret Iron Company, which Erastus Snow and Franklin D. Richards had organized in England, was chartered by the Utah Legislature during the winter of 1852-1853. Subsequently furnaces were erected and pig-iron manufactured at Cedar City.* Grist mills and saw mills had long been in operation all over the land, and now tanneries, foundries, cutleries, potteries, and other industries began to thrive. Among the earliest home-made articles were cloth, fur goods, leather, hats, caps, cordage, brushes, combs, soap, matches, paper, ink, knives, forks, and nails.

Petitions for Railroad and Telegraph.—The need of a railroad and telegraph line across the great plains and mountains was sorely felt in Utah, and early in 1852 the Governor and Legislature petitioned Congress for the establishment of both these mighty agents of civilization. Similar petitions of later date were frequently sent to Congress from this Territory and other parts of the west.†

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*Cedar City had been founded for this special purpose. The place was settled in the autumn of 1851, by thirty-five men from Parowan, which had been located by George A. Smith in December, 1850, when he led about thirty families from Salt Lake Valley for that purpose. Parowan was begun as a farming district, to provide for those who might be employed in the Cedar Iron Works, then in prospect. At both places forts were built, lands enclosed, canals constructed, and harvests sown. Under the charter granted by the Legislature the Deseret Iron Company began its career with a capital stock of about $20,000. The Legislature made two appropriations, aggregating nearly $7,000, to encourage this industry, and the "Mormon" Church, by its Trustee-in-Trust, took shares in the enterprise.

†It has often been asserted that the founders of Utah, when they settled amid the solitudes of the Rocky Mountains, were seeking a permanent isolation from the rest of mankind. Their early efforts to secure railroad and telegraph facilities do not bear out this theory. A

Utah towns in 1853.—In 1853 the principal towns of Utah were listed as follows: Great Salt Lake County—Great Salt Lake City, Butterfield, West Jordan, Mill Creek, Big Cottonwood, South Cottonwood, Little Cottonwood, and Willow Creek. Davis County—North Canyon, Centerville, North

GREAT SALT LAKE CITY, 1853.

Cottonwood, and Kay's Ward. Weber County—Ogden, East Weber, Willow Creek, and Box Elder. Utah County—Provo, Dry Creek, American Fork, Pleasant Grove, Mountainville,

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temporary isolation they undoubtedly desired, but that it could only be temporary, they well knew. The Pioneers, while coming west, marked out, or their leader did, what he believed would one day be the route of a great railroad across the country. George A. Smith, who came with Brigham Young to Salt Lake Valley, made this statement, many years ago, in a letter to the New York Evening Post.

The petition of 1852 expressed the belief that five thousand American citizens had perished on the different routes to the West within three years, for want of proper means of transportation; also, that the opening of the Utah mines and the further development of the mines of California depended upon the construction of such a road. The securing of Asiatic and Pacific trade, and the union of the eastern and western extremities of the Nation, were among the advantages suggested. It was proposed that the railroad start from some eligible point on the Mississippi or the Missouri River, and pass through this Territory to San Diego, San Francisco, Sacramento, Astoria, or some other point on or near the Pacific Coast. Utah agreed to supply at reasonable rates materials and provisions for the building of the road, and to furnish an extensive trade after its completion.

When Delegate Bernhisel presented this memorial in the House of Representatives at Washington, he was told that he was a hundred years ahead of the age. In reply, he invited the members to ride over the road upon its completion and visit him at his home in Salt Lake City. Twenty years later some of them actually did so, the transcontinental railroad being then an accomplished fact.

Springville, Palmyra, Peteetneet, Summit Creek, and Cedar Valley. Sanpete—Manti, Pleasant Creek, and Allred's Settlement. Juab County—Salt Creek. Tooele County—Tooele and Grantsville. Millard County—Fillmore. Iron County—Parowan and Cedar. A year later, David and Lake, in Utah County, and Harmony, in the far south, were added to the list.*

Additional Counties.—In January, 1854, the Legislature organized the counties of Carson, Summit, and Green River. Carson Valley had received its first settlers in 1850-1851; Hampden S. Beatie being the pioneer of that part. Early in 1853 Samuel Snyder built a saw mill near Parley's Park, now in Summit County; and late in the same year Orson Hyde, with a colony, founded Fort Supply on Green River. This post was about ten miles from Fort Bridger, which had just been purchased for the Church by President Brigham Young.

*Some of these titles have since been changed. In January, 1868, Great Salt Lake County and City were shortened by legislative enactment to Salt Lake County and City. Butterfield and Willow Creek, in Salt Lake County, are now Herriman and Draper; while the second Willow Creek is Willard, Box Elder County. North Canyon became Sessions' Settlement and then Bountiful. North Cottonwood was renamed Farmington; Kays Ward, Kaysville; East Weber, Uintah; and Box Elder, Brigham City. Dry Creek changed to Lehi, Mountainville to Alpine, Peteetneet to Payson, Summit Creek to Santaquin, Pleasant Creek to Mount Pleasant, Allred's Settlement to Spring City, and Salt Creek to Nephi.

X.

AN INDIAN UPRISING.

1853-1854.

Interrupted Colonization.—During part of the period covered by the foregoing chapter the work of colonization in Central and Southern Utah was interrupted by an Indian war. It was known as "The Walker War," the Ute chief Walker being at the head and front of the hostiles.

Governor Young's Indian Policy.—The Indian policy of the founders of Utah is summed up in a remark made by Governor Brigham Young: "It is cheaper to feed the Indians than to fight them." Instead of treating the red men like wild beasts, fit only to be hunted and exterminated (the measure meted out to them by many passers over the plains), the people here were their friends, and tried to teach them the arts of civilization. The Indians were not insensible to such treatment, and reciprocal feelings and acts were the result.*

Still, there were wars, necessary wars, with the natives, many of whom, tenacious of their traditions, and unable to distinguish at all times between friends and foes, wantonly attacked those who had settled among them. They had to be punished for such aggressions, until they learned that no harm, but only good, was intended by their white neighbors. Governor Young's Indian policy triumphed; the most warlike of the savages finally becoming peaceable and friendly.

A Truculent Chieftain.—Chief Walker's conversion, however, was not immediate. He was naturally quarrelsome and bloodthirsty, and it took time to convince him that the white man could be the red man's friend. His name was a terror from New Mexico to California, where he raided and robbed the settlements, returning with his plunder to the mountains

*The author remembers seeing, when a boy, the Shoshone chief Washakie and his bands supplied with bread and beeves by the authorities at Salt Lake City; an incident typical of the general policy and practice. The interest felt for the Indians by the Latter-day Saints is largely owing to the teachings in the Book of Mormon. According to that record, these "Lamanites" are a degenerate remnant of the House of Israel, destined to be lifted up from their fallen condition, to do great things in the future of America.

of Utah. He was also feared and hated by other tribes of Indians.*

Mexican Slave Traders.—The Walker War was partly an outgrowth of the Indian slave trade, which was then carried on by some of the Mexican inhabitants of California and New Mexico. Governor Young, in January, 1852, had called the attention of the Legislature to this nefarious traffic and to his endeavors to prevent its extension into Utah. Incidentally he made known the fact that he was an anti-slavery man, though he drew a distinction between "honorable servitude" and the abuses of the slave system. "No property," said he, "can or should be recognized as existing in slaves, either Indian or African."

In November, 1851, it had become known that a party of twenty Mexicans, headed by one Pedro Leon, were in Sanpete Valley, trading horses for Indian children and firearms. They had licenses signed by James S. Calhoun, Governor and Superintendent of Indian affairs for New Mexico, authorizing them to trade with the Ute Indians "in all their various

*Lieutenant Gunnison, referring to Walker's antecedents, says: "A late chief, acting upon the plurality law, left about thirty sons, most of whom have small clans under them. His true successor is a fine, brave Indian, with the largest band immediately around him, and he exercises control over all whom he chooses. He is a friend of the Mormons. A half brother of his, named Walker, has become rich and celebrated for his success in stealing horses from the Mexicans. He has a large drove of cattle, with many followers."

When the Pioneers were approaching Salt Lake Valley, and it became known that they planned settling in this region, the question of how they should be treated was considered at a large Ute encampment in the Wasatch Mountains. The chief Sowiette advised peace and friendship, while Walker raised his voice for war and extermination. Most of the young men stood with him. The debate grew warm, and finally Walker intimated that Sowiette was a coward. The peace-loving sachem could endure no more. Seizing a rawhide whip, he advanced upon the insulter and gave him a sound flogging. There was no more talk of Sowiette's "cowardice," and his peace counsel prevailed.

Tradition tells of a similar encounter between Walker and Washakie. The Shoshone chief, angered by the Ute, challenged him to single combat. Walker failing to accept the challenge, Washakie called him a "dog," and snatching from him his tomahawk, hurled it away in scorn and contempt.

Washakie was a staunch friend to the settlers, and his good will was prized. He spent his last years on an Indian reservation in Wyoming. President Grant, it is related, sent him a handsome saddle, which the chief much appreciated, but said nothing in return for the gift. When asked why he was silent, Washakie replied, in substance: "White man's gratitude is in his head, and the head can speak; Indian's gratitude is in his heart, and the heart has no tongue." The Indian settlement, Washakie, in Northern Utah, was named in honor of this noble red man.

localities." As this included Utah, the Deseret News criticized the conduct of Governor Calhoon and showed that the purchase and removal of Indian children from this Territory constituted the crime of kidnapping. The News also made it clear that if the traders were purchasing arms and ammunition to supply the Navajo Indians, who were at war with the United States, it was treason, according to the letter of the Constitution.

These protests and warnings had no effect upon the slave traders. They declared that they would do as they pleased, regardless of law and authority. Whereupon Pedro Leon and seven of his party were arrested and tried before a justice of the peace at Manti. Subsequently their case came before Judge Snow, in the District Court at Salt Lake City. The court decided against the Mexicans, and the Indian slaves in their possession, a squaw and eight children, were set free.

WASHAKIE.

Inciting the Savages.—The traders, having been ordered to leave the Territory, avenged themselves by stirring up the savages against the settlers. They also furnished the Indians with guns and ammunition, contrary to the laws of Utah and of the United States. The situation became so serious that Governor Young, in April, 1853, issued a proclamation, calling attention to the tactics of the slave traders, and ordering Captain Wall, with thirty mounted men, to reconnoiter the southern country and arrest every strolling Mexican party or any other suspicious person whom he might encounter.

The War Begins — Death of Alexander Keel.—The Walker war began in Utah County, during the summer of 1853. Walker and his brother Arapeen, with their bands, were then encamped on Peteetneet Creek, at the mouth of Payson Canyon. On the 18th of July a number of his warriors rode down to Fort Payson, where the inhabitants received them kindly, and as usual gave them food. No hostile movement was made until evening, when the Indians, as they were leaving the fort, shot Alexander Keel, who was standing

guard outside. The provocation for this murder was a severe punishment administered by a resident of Springville to a Ute Indian who was beating his squaw; the white man interfering in her behalf.

Hastening back to camp, the murderers informed Walker of what they had done. He at once ordered his tribesmen to pack their wigwams and retreat into the mountains. Several white families were living in Payson Canyon, and upon these the savages fired as they passed, but were in too great a hurry to do serious harm.

Expecting a general attack, the people of Payson flew to arms, and were reinforced by bodies of militia from Spanish Fork, Springville, and Provo. It was decided to follow the Indians, who, it was feared, intended to attack the Sanpete settlements; a fear justified by events that followed. Leaving the infantry to garrison Fort Payson, Colonel Conover, with his cavalry, started for Manti. General Wells, at Salt Lake City, being informed of the situation, sent Colonel William H. Kimball, with a hundred mounted men, to reinforce Conover.

Indian Attacks—Military Movements.— Attacks were made by the Indians at various points, and they raided and ran off stock in all directions. In an assault upon Springville, William Jolley was wounded in the arm. At Nephi cattle were stolen and the guard fired upon, David Udall being wounded. Similar depredations were committed in Sanpete Valley. Near Mount Pleasant, a portion of Conover's command under Lieutenant Jabez Nowlin were fired upon by twenty or thirty Indians. The troops returned the fire, and the savages fled, leaving six or seven of their number dead on the field.

Running the Gauntlet.—Colonel Conover now started messengers for Salt Lake City, to request further orders from General Wells. The messengers were Clark Roberts of Provo and John W. Berry of Spanish Fork. Leaving Manti on the afternoon of July 23rd, they reached Santaquin next morning to find the place deserted; the settlers having sought safety at Payson. As the two horsemen rode through the town, they were fired upon by Indians concealed in the houses, Berry being shot in the wrist, and Roberts through the shoulder. Putting spurs to their horses, they rode at full speed toward Payson, hotly pursued, and succeeded in escaping.

Measures of Defense.—Colonel George A. Smith was now put in command of all the militia south of Salt Lake City, with instructions to take prompt and thorough measures for the defense and safety of the settlements. He was directed by Governor Young to gather all the inhabitants into forts, to

corral their stock, and surround it with armed guards. No offensive warfare was to be permitted, but Indians caught attempting to kill or steal were to be summarily punished. Colonel Smith carried out his instructions, and the wisdom of these defensive measures was soon apparent. Settlers who failed to build forts and corral their stock, suffered severely from the raids of the savages.*

GEORGE A. SMITH.

Typical Indian Outrages.—About the middle of August, Parley's Canyon, east of Salt Lake Valley, was the scene of an Indian outrage. Four men, John Dixon, John Quayle, John Hoagland, and John Knight, were hauling lumber from Snyder's saw mill, and had reached the vicinity of "The Summit," when they were fired upon by Indians in ambush. Quayle and Dixon were instantly killed. Hoagland was wounded in the arm, but was able to help Knight unhitch two of their horses, upon which they rode with all speed to Salt Lake City, barely escaping with their lives. John Dixon was a Pioneer of 1847.

A similar tragedy took place in Juab County, on the first of October. William Reed, James Nelson, William Luke, and Thomas Clark had started from Manti with two wagons loaded with wheat for Salt Lake City, and had reached Uintah Springs, a little east of Salt Creek Canyon, when their camp was attacked by Indians. All four men were killed. There had been a fight on Clover Creek during August, in which one Indian was killed and a white man, Isaac Duffin, wounded.

At Manti, on the fourth of October, William Mills and John E. Warner fell victims to an Indian assault near a grist mill on the outskirts of the town; and at Santaquin, ten days later, several men engaged in harvesting were fired upon and F. F. Tindrel slain.

*Colonel Smith had met Walker in Little Salt Lake Valley, while he and his fellow colonists were locating the town of Parowan. The Ute chief made them a visit, accompanied by a large band of braves. The conduct of the Indians demonstrated, to the satisfaction of these settlers, that building a fort and living in it was the only safe policy for them to pursue.

Perilous Times.—Travel from settlement to settlement, unless accompanied by a strong guard, was now extremely perilous. During this period the authorities at Salt Lake City ordered a "Spanish wall" built around the town, as a means of defense and an example to the outlying settlements. The wall was to be of earth, twelve feet high, six feet through at the base, and tapering to a thickness of two and a half feet at the top, with gates and bastions at suitable intervals. Fragments of this old-time barrier, which was never completed, may still be seen on the outskirts of the city.

In the autumn of that troubled year, at the General Conference of the Church, a number of prominent men were called to lead companies to various parts for the purpose of strengthening the imperiled settlements. Each company was to consist of fifty families.*

Pauvants on the War Path.—Meanwhile the Indian war went on. From the savages who had begun the strife, others caught the infection. At Fillmore, on the 13th of September, William Hatton, while standing guard, was killed by some of the Pauvant tribe. On the 26th, Captain Stephen Markham, with his command, had a brush with the red men near Nephi, a number of Indians being killed, and one white man, C. B. Hancock, wounded. In another skirmish at the same place eight savages were slain and several captured. At various points, saw mills, grist mills, and other buildings, temporarily abandoned by the settlers, were burned by the marauders.

The Gunnison Massacre.—An episode of the Walker War was the tragedy known as the Gunnison massacre. Captain John W. Gunnison, who as Lieutenant of Topographical Engineers had visited Salt Lake Valley with Captain Stansbury in 1849, returned to this region in 1853, at the head of "The Central Pacific Railroad Surveying Expedition"—which, by the way, had no connection with the Central Pacific Railroad afterwards built from California to Utah. The route surveyed by him was from the East, crossing Green and Grand rivers. Captain Gunnison, having passed the Wasatch Mountains, had turned northward and was camped on Sevier River when his terrible fate overtook him.

Indian Retaliation.—The Gunnison massacre was an act

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*George A. Smith, Erastus Snow, and Franklin D. Richards were to lead two companies to Iron and Millard counties; Wilford Woodruff and Ezra T. Benson, a company to Tooele County; and Lyman Stevens and Reuben Allred, a company to each of the settlements in Sanpete Valley. Lorenzo Snow was to take fifty families to Box Elder County, and Joseph L. Heywood, another fifty to Juab County. At this same conference Orson Hyde was directed to organize an expedition and found a permanent settlement on Green River.

of revenge, the provocation for which had been given several weeks before, by a party of Missouri emigrants, on their way to California. These emigrants had encamped at Fillmore. Excited by the reports of Indian outrages all around them, some of the party vowed to kill the first savages that came into their camp. Judge Anson Call, the principal man at Fillmore, remonstrated with the makers of this unwise threat, informing them that some of the Indians were friendly. The Missourians, however, carried out their purpose, killing two Indians and wounding three others. These were friendly Pauvants, begging food and clothing. Roughly ordered away and refusing to go, they were assaulted, and in the scuffle that ensued several rifles were discharged, with the result stated. Captain Hildreth, who commanded the emigrant train, much regretted the affair, which occurred during his absence. No reparation was made, and the relatives of the slain Indians sought revenge. The emigrants were then beyond reach, but the avengers, according to savage custom, attacked the next party of white men passing through their country.

That party was the one led by Captain Gunnison. Meeting him soon after the killing of the Pauvants, Judge Call related to him the occurrence. The Captain expressed keen regret, remarking: "The Indians are sure to take their revenge." He was well acquainted with their customs, having studied and written upon the subject.

Gunnison's Party—Place of the Tragedy.—In addition to Captain Gunnison, the party comprised Lieutenant E. Beckwith, of the Topographical Engineers; R. H. Kern and J. A. Snyder, topographers; F. Creutzfeldt, botanist; S. Homans, astronomer; Dr. James Schiel, surgeon and geologist; Captain R. M. Morris and a small company of mounted riflemen, acting as escort and guard to the expedition. There were also a number of employes, including William Potter of Manti, Gunnison's guide.*

On the 24th of October they encamped on the east bank of Sevier River, about fifteen miles above the point where it

*The next notable party to pass through Utah was headed by Fremont, the explorer. This was in February, 1854. The Pathfinder was then on his final expedition to the West. With him were nine white men and twelve Delaware Indians. Perishing with hunger and cold, they were helped over the mountains into the town of Parowan, by some of the hospitable people of Iron County. One man had fallen from his horse, dead, before reaching the settlements. Fremont remained at Parowan nearly two weeks, before proceeding on to California. S. N. Carvalho, the artist of the expedition, tarried three months in Utah, and afterwards gave the results of his experience and observations in a book entitled "Incidents of Travel and Adventure in the War West."

flows into the Lake. At Captain Gunnison's request, Lieutenant Beckwith and Captain Morris, with the main portion of the command, explored the country up the river, while Gunnison, with a few men, crossed to the west bank and followed the stream down. On the evening of the 25th, he pitched his tents among the willows of the river bottom, at the head of Sevier Lake, where a reconnoisance was to begin next morning. With the Captain were Messrs. Kern and Creutzfeldt, William Potter, James Bellows, and a corporal with six riflemen.

Attacked from Ambush.—Long before sunrise the camp was astir, and most of the men were at breakfast, when suddenly rang out the terrible war whoop of a numerous band of savages, who had crept unseen upon their unwary victims. From the willowy ambush they poured volley after volley of rifle shots mingled with arrows in among the campers. A call to arms was sounded, and the little band fought gallantly, killing one Indian and wounding another; but a successful defense under such conditions was impossible. Very soon, of the twelve white men, only four remained alive.

Captain Gunnison, at the opening fire, rushed from his tent, raised his hands, and called out to the Indians that he was their friend. He fell pierced with arrows and rifle balls. Kern, Creutzfeldt, Potter, Bellows, and three riflemen were also slain. One of the survivors was the Corporal, who narrowly escaped capture. Securing a horse, he rode to the point where the company had divided, the day before. The horse falling exhausted, its rider ran on foot most of the fourteen miles still between him and the camp of Lieutenant Beckwith. He arrived there barely able to communicate the frightful news.

Honors to the Dead.—Captain Gunnison was buried at Fillmore. His death was a shock and a sorrow to the whole community. Governor Young referred to it feelingly in his next message to the Legislature. The Captain, by his fairness and friendliness, had endeared himself to the people of Utah, and they sincerely mourned his tragic end. The town of Gunnison, in Sanpete County, was named for him. Lieutenant Beckwith succeeded Captain Gunnison in command of the surveying expedition, and completed the work by him begun.

End of the War.—Governor Young had made repeated efforts to put an end to the prevailing strife. Almost at the beginning of hostilities, he sent a written message to "Captain Walker," telling him that he was "a fool for fighting his best friends." Along with this message went a gift of tobacco, and the promise of a supply of beef cattle and flour if he would "send some friendly Indian down to the settlements." These

overtures brought no response, but they were supplemented by others more successful.

In May, 1854, the Governor and other leading men visited Central Utah, coming in contact with the native tribes and doing all in their power to gain the good will of the hostiles. They took with them several wagon-loads of presents, designed especially for Walker and his bands. A meeting between the Governor and the Chief took place on Chicken Creek (Levan). Walker was attended by his principal braves, and the Governor by his official escort. The Pauvant chief Kanosh and a number of his tribesmen were also present. After a long talk, and the smoking of the pipe of peace, a treaty was entered into, and hostilities ceased.*

So ended the Walker War, during which a score of white people and many Indians had been killed, and several small settlements broken up, the inhabitants seeking refuge in the larger towns and forts, leaving their houses and other improvements to the mercy of the marauders. Santaquin and Spring City suffered most, the latter being burned to the ground. The war cost the Territory about $70,000, and in addition the private losses aggregated nearly three times that amount.

Death of Chief Walker.—Within a year after peace was restored, Walker died at Meadow Creek, in Millard County. He was buried by his tribesmen, with all his warlike weapons and accoutrements. According to Indian custom, the Utes killed two squaws, two Piede children, and fifteen of their best horses, that the departed leader might have company on his journey to "The Happy Hunting Grounds." They likewise placed in the grave a letter received by Walker the day before his death—a letter from Governor Young, of whom the dying chieftain spoke affectionately in his last hours. The once fierce and implacable warrior had at last become convinced that the people of Utah were his friends, and the peace treaty between him and the authorities of the Territory was faithfully kept. Walker was succeeded by his brother Arapeen.

During the peace talk, the two parties sat facing each other from opposite sides of an Indian tepee. General Wells, while distributing the gifts, tossed to each warrior a plug of tobacco. His action, though not meant to offend, was very displeasing to the dignified Ute chieftain, whose eyes blazed with anger. He refused to lift his tobacco from where it lay, remarking that he would not have a gift thrown to him, like a bone to a cur. Whereupon, General Wells good-naturedly took a new plug of tobacco and presented it to Walker with a polite bow. The chief's anger was at once dispelled. He admitted that Governor Young was a "big chief," but insisted that he himself was a big chief also, emphasizing and illustrating the point by putting his thumbs together and holding them up before him, one as high as the other.

XI.

BRIGHAM YOUNG AGAIN GOVERNOR.

1854-1857.

Petition for Re-appointment.—Brigham Young's first term as Governor of Utah now drew to a close. Shortly before its expiration, the leading citizens of the Territory united in a petition to the President of the United States, asking that Governor Young be re-appointed.

The first signer of the petition was Chief Justice John F. Kinney, who, in August, 1854, had succeeded Chief Justice Reed on the Supreme Bench of the Territory. The next to sign was Lieutenant-Colonel Edward J. Steptoe, U.S.A. He had arrived at Salt Lake City on the last day of August, at the head of a detachment of troops, on his way to California. Steptoe's signature was followed by the names of all the Federal, civic and military officers then in Utah, and by all the principal business men. The petition was sent to Washington, and the Governor's re-appointment soon followed.*

JUDGE KINNEY.

Colonel Steptoe and His Command. — Colonel Steptoe and his men spent the winter at Salt Lake City. The troops numbered one hundred and seventy-five, comprising two companies of artillery and one of infantry, while an almost equal number of employes had charge of the animals and vehicles. The mutual relations of civilians and soldiers were mostly of an agreeable character, but between some of the latter, who were intoxicated, and a party of citizens, a fracas occurred on New Year's day in which firearms were used and

*President Franklin Pierce had named Colonel Steptoe for Governor, but he, after surveying the local situation, declined the proffered honor, and supported the movement that for a second time gave the office to the founder of the Territory.

several persons wounded. Colonel Steptoe's officers helped to quell the riot, striking with their sabers their own men until they desisted from the brawl. In the evening of that day the Utah Legislature gave a ball in honor of the recently arrived representatives of the Government.*

The Gunnison Massacre Investigated—Convictions.—Colonel Steptoe, acting under instructions from Washington, investigated the Gunnison massacre. Through the influence of Governor Young, a number of Indians concerned in the crime were delivered up to justice, and it devolved upon Chief Justice Kinney to try them in the District Court at Nephi. The court was held under the protection of United States troops detailed for that purpose; a precaution deemed necessary, owing to the presence of about one hundred Ute warriors, who were encamped near by, watching with keen interest the progress of the trial. Three Indians were convicted and sent to the penitentiary.

Death of Judge Shaver.—On the 29th of June, 1855, Judge Leonidas Shaver died at his residence in Salt Lake City. He was found dead in bed, at one o'clock in the afternoon, having retired, as usual, about midnight. An inquest was held at which Doctors France and Hurt, the latter Judge Shaver's medical attendant, testified that death had been caused by an abscess on the brain. The jury's verdict was in accordance with these facts.

Judge Shaver, like Judge Reed, who had died at Bath, New York, three months before, was sincerely mourned in Utah, and the citizens united in doing honor to his memory. A public funeral was held at the Council House, Chief Justice Kinney directing, and President Brigham Young and Elder Orson Pratt taking part in the service. At the grave Dr. Garland Hurt, Utah's new Indian agent, tendered his warmest thanks "as a fellow Virginian" for the ceremonies extended on the occasion. The Deseret News, in a feeling reference to Judges Reed and Shaver, spoke of their appointment to office in this Territory as "among the many kind public acts of Millard Fillmore, late President of the United States, toward the inhabitants of Utah."

Judges Kinney, Drummond, and Stiles.—Chief Justice Kinney succeeded to the good will felt for his predecessor. He

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*Sergeant John Tobin, one of Steptoe's officers, joined the "Mormon" Church, married a "Mormon" girl, and remained at Salt Lake City, where he taught a class in sword exercise. Others of the military party abused the hospitality extended to them by leading astray some of the young women of the community who afterwards went with them to California.

resided in Utah until the spring of 1856, when he returned to Iowa, in order to give his children better educational advantages than were possible in the West at that early period. Subsequently he returned, under a re-appointment as Chief Justice, and afterwards served the Territory as Delegate in Congress. Judge Snow, having served out his term, was succeeded by Associate Justice George P. Stiles; and the vacancy caused by the death of Judge Shaver was filled, in the autumn of 1855, by the appointment of Associate Justice William W. Drummond, who was from Illinois. Judge Stiles was formerly of that State, but at the time of his appointment was a citizen of Utah.

The new Associate Justices were heartily disliked. In various ways they made themselves obnoxious to the great majority of the people. At Fillmore, in open court, Judge Drummond declared that the laws of the Territory were founded in ignorance, and that it was his purpose, in all cases appealed from the probate courts to the tribunal over which he presided, to set aside the findings, unless they were within the pale of powers commonly exercised by probate courts. Judge Stiles also manifested some unfriendliness toward local legislation, particularly the law defining the duties of the Territorial Marshal.

All this might have been got along with, had the two magistrates conducted themselves in such a way as to command respect. Drummond was a dishonest and licentious man, and Stiles seems to have been little better. At Nauvoo and at Salt Lake City he held membership in the "Mormon" Church, but was finally excommunicated for adultery. The appointment of these dissolute characters to office in this Territory was a misfortune to all concerned.

So far as their opinion upon local legislation went, nobody questioned their right to that. Moreover, they were not alone in their critical attitude. Chief Justice Kinney did not hold with them, however, nor had Judges Reed and Shaver so held. Congress, to whom the Territorial legislation was regularly submitted, had not disapproved of the laws relating to probate courts and territorial officers, but on the contrary had given them, by its silence, an implied sanction.

The Utah-California Boundary.—It was about this time that the boundary line between Utah and California was determined. There was no Nevada then; the entire State now bearing that name being within the Territory of Utah. Colonists from Salt Lake Valley had been making their way to the Carson region since 1850 or 1851. Orson Hyde led a company thither in the spring of 1855, and with him went Judge Stiles and United States Marshal Heywood; these three hav-

ing been appointed by the Utah Legislature to meet with a similar commission from California and establish the boundary in question. They also organized Carson County, under authority given them by the people's representatives.

The Educational Spirit.—The year 1855 was notable for the organization, at the Utah capital, of a number of educational institutions, among them the Philharmonic, Polysophical, Deseret Library and Musical, and Universal Scientific societies, and the Deseret Theological Institute. Also the Horticultural Society, a forerunner of the Deseret Agricultural and Manufacturing Society, which, founded the year following, was destined to a long and useful career. The acquisition of foreign languages was encouraged, and among the publications of the period was a grammar of several Indian dialects. Another famine was impending—for grasshoppers and drouth had been doing destructive work—but the people hungered not only for physical food; a craving for mental and suiritual nourishment was likewise manifest.

Remy's "Journey to Great Salt Lake City."—Utah was beginning to attract the attention of noted travelers from various countries. One of these, Jules Remy, a Frenchman, with his companion, Julius Brenchley, arrived at the capital of the Territory in the autumn of that year. They came from the West, having set out from San Francisco on the 18th of July, for the express purpose of making "A Journey to Great Salt Lake City." Such was the title given by M. Remy to the book he afterwards published, in which he sketches interestingly "the history, religion, and customs of the Mormons." By way of Carson River and Tooele Valley, he and his party reached Salt Lake City on the 25th of September. They were guided by Peter Haws, a "Mormon" ranchman. They remained in this vicinity a full month, and then took the southern route to California, with Los Angeles as their objective point.

During their sojourn at "The New Jerusalem," as Remy styles the Utah capital, they lodged at the Union Hotel, which was kept by Chief Justice Kinney.* The high prices charged for everything were almost terrifying to these travelers, but they nevertheless praised the hospitality they met with, and atttributed "the high cost of living" to the straightened period through which the Territory was passing.

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*The Union Hotel was "near the northern extremity of the city," and was named for its proximity to Union Square. The building afterwards became the Union Academy, taught by Dr. Doremus, one of Utah's early educators. Later it housed a department of the University of Deseret, and still later the Deseret Hospital.

"The Mormon Pope," as the French traveler terms the then leader of the Latter-day Saints, even when accessible was not over-communicative to every uncredentialed new comer in those days; and as this party had lost their letters of credit, and had arrived without the least means of establishing their identity, their first effort to secure a satisfactory interview with President Young was a comparative failure. A second attempt, after the latter had been made acquainted with the true character and purpose of the visitors, resulted in their obtaining all that they sought. They were vouched for by James Lawson, a "Mormon" missionary whom they had met in the Sandwich Islands. Remy's book, in most respects, is accurate and impartial. Its author was favorably impressed with the greater part of what he saw and heard in Utah, and he departed with friendly feelings toward the people in general.*

Statehood Again Denied.—Utah, in 1856, had a white population of about thirty thousand, and in March of that year another effort was put forth to secure political sovereignty. A Constitutional Convention assembled at Salt Lake City and petitioned Congress to admit the Territory into the Union as the State of Deseret. Hon. George A. Smith and Hon. John Taylor—the latter then editing "The Mormon" in New York City—carried the petition and the proposed state constitution to Washington. Admission was again denied.†

A Year of Calamities.—Eighteen hundred and fifty-six was a year of calamities for Utah. The crops of two seasons had failed, and another famine threatened the people. The failure of 1854 was owing to a visitation of grasshoppers (locusts). These were even more destructive than the crickets, and unlike the earlier pests had wings and could fly beyond the reach of their pursuers. The following year the locusts returned, and devoured, in many parts of the land, every green

*Among the one hundred Utah "Gentiles"—for that is the number set down by M. Remy at the period of his visit—he mentions General Burr, "an intelligent and worthy old man," the Government's recently appointed Surveyor General for the Territory; also Mr. W. Bell, managing partner of the mercantile house of Livingston, Kinkead and Co., who, as well as the "Mormon" President, was exceedingly kind to him, discounting his bills on San Francisco to any amount required, without charging him any commission. The author of the "Journey" does not speak so highly of Judge Drummond, who cheated him in a horse trade, and shocked him by brazenly declaring: "Money is my God, and you can write it down in your journal if you so desire." Remy declares that Drummond was living openly with a woman who was not his wife.

†In 1852 and again in 1853, the Legislature had petitioned Congress for an Enabling Act authorizing a State government for Utah.

thing growing. Added to that plague was a season of drouth. Then came the winter, one of the severest ever known in this region, burying the grazing lands under heavy snows, and causing the death of thousands of cattle, horses, and sheep.

Privation and Benevolence.—During the early months of the new year the people suffered much privation. Many were driven to the necessity of digging and eating roots—the sego and other wild growths, to eke out an existence until harvest time. Vast quantities of fish, taken with nets from Utah Lake, became food for the half famished people. All were not alike destitute. Some, foreseeing the straitness, had provided against it, and their bins and barns were full, while others were empty. Those who had, gave to those who had not; the full larders and storehouses being drawn upon to supply the needy and prevent suffering.*

The Tintic War.—To add to the general distress, some of the Indians became troublesome. A Ute chief named Tintic led the hostiles, inhabiting the valleys west of Utah Lake. They stole cattle from the herds, and killed two herdsmen, Henry Moran and Washington Carson. A posse of ten men with writs issued by Judge Drummond from the District Court at Provo, set out for Cedar Valley to arrest the murderers. They met with determined resistance, and an Indian named Battest was killed. In the general fight that followed, George Carson, one of the posse, received a mortal wound, while on the other side a squaw was killed and Chief Tintic wounded. A few days later the savages slew John Catlin, John Winn, and a Mr. Cousins, near Kimball's Creek, southwest of Utah Lake. They also captured and put to death a young man named Hunsaker. A force of cavalry under Colonel Conover was now ordered out by the Governor. Crossing the ice-covered lake, they pursued the Indians, who fled at their approach, leaving behind the stolen cattle. This ended the Tintic War.

The savages engaged in the strife were Utes, but were renegades from their tribe, for whose acts the main body was not responsible. The same may be said of a band of Yampa

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*Among the most provident and the most benevolent were President Heber C. Kimball, of Salt Lake City, and John Neff, on Mill Creek. These men and others stood like so many Josephs in Egypt to the hungry multitude. They took no advantage of the straightened situation, by which they might have profited financially; but sold at moderate prices, where they did not give outright, their beef and breadstuffs, to those able to reimburse them. When flour commanded as high as a dollar a pound, they would not accept more than six cents, nor sell at all except to those in need, refusing to speculate out of the necessities of the poor.

Utes, who, in September of this year, broke up a settlement on Grand River.* The Utes as a whole respected the treaties that they had entered into. They had even made peace with their ancient foes, the Shoshones, through the influence of Governor Young and other leading citizens.

Death of Secretary Babbitt.—During this calamitous year, the Indians east of the Rocky Mountains attacked and robbed trains and killed travelers. Colonel Almon W. Babbitt, Secretary of Utah, was slain while returning from an official visit to the City of Washington. First, his train, loaded with Government property, was attacked and plundered by Cheyenne Indians, near Wood River (Nebraska); two of the four teamsters being killed, and another wounded. The savages also carried off a Mrs. Wilson, and slew her and her child. Colonel Babbitt was not with his train, but was killed by Cheyennes east of Fort Laramie, about the last of August.

The Margetts-Cowdy Massacre.—A few days later, another outrage by Indians of the same tribe occurred west of Fort Kearney. Thomas Margetts and wife, James Cowdy, wife and child, all from Salt Lake City, were crossing the plains on their way to England. They had a covered wagon, two mules and two riding horses. After leaving Fort Laramie they were joined by Henry Bauichter, a discharged United States soldier, who traveled with them as far as the scene of the tragedy. On the sixth of September he and Mr. Margetts left camp to go hunting, and early in the afternoon they succeeded in killing a bison. A bluff was between them and the wagon, the latter a mile and a half away. Margetts took a portion of the meat to camp, and half an hour later Bauichter, having secured more, followed. As soon as he saw the wagon he noticed that the cover was gone, and on approaching nearer beheld the bodies of Mr. Margetts, Mr. and Mrs. Cowdy and their child, lying on the ground. All were dead but the child, and it was wounded

*The Grand River settlement was about where the town of Moab now stands. The founders, forty men, were from Manti, and the colony was known as the Elk Mountain Mission. A little over three months after their arrival on Grand River, their fort was attacked by the Indians, who killed James W. Hunt, William Behunin, and Edward Edwards, and wounded Alfred N. Billings. Next day the survivors started back for Manti, arriving there six days later.

A similar experience awaited the Salmon River (Idaho) Mission, founded in June of the previous year by a company organized on Bear River, Utah, by Thomas S. Smith, and led by Francillo Durfee to its destination. In the midst of a savage country they founded Fort Limhi, which was maintained until 1858, when the colonists were driven out by hostile Indians.

A mission was also established at Las Vegas (Nevada) by a company under William Bringhurst, with George W. Bean as Indian interpreter.

and dying. Mrs. Margetts was missing. No shots had been heard, but an arrow was sticking in Cowdy's thigh. In the distance, riding rapidly away, was a band of about a dozen Indians. The mules and horses had been taken, and the wagon plundered.

The Hand-Cart Immigration.—The close of the year brought a calamity more terrible still. It was the historic hand-cart disaster, in which upwards of two hundred "Mormon" immigrants, bound for Utah, and belated upon the storm-swept plains, lost their lives. Most of them were from England, Scotland, or Scandinavia.*

The project of using hand-carts for the overland journey from the frontier, originated in Utah, and was first put into effect for the season of 1856. It was estimated as cheaper and more expeditious to cross the plains in that manner, than with ox teams and wagons. Nine pounds, English money (equal to about forty-five dollars) was the hand-cart rate from Liverpool to Salt Lake City. The immigrants, landing at Boston or New York, would proceed thence to Iowa City, their outfitting point for the journey over the plains. The carts, which were made on the frontier, could carry the baggage and provisions, and the stronger men could pull them. The idea, though novel, was not startling, since most of the travelers to Utah, while having teams to draw their heavy wagons, had been trudging afoot, year after year, almost the entire distance west of the Missouri River.

The hand-cart scheme became very popular in England, and a heavy emigration resulted, more than could be conveniently handled on the Iowa frontier. There the belated companies should have remained through the winter. It was an error in judgment to send them over the plains so late in the season.

Three Companies Arrive Safe.—The first of the hand-cart companies to arrive in Utah were two led by Edmund Ellsworth and Daniel D. McArthur. They had left Iowa City, one on the 9th, and the other on the 11th, of June; the former with 226 persons, the latter with 220. They had nearly a

*A disaster of earlier date, likewise connected with the Utah immigration, was the blowing up of the steamboat "Saluda," on the Missouri River, in April, 1852. The accident occurred near Lexington, Mo., and was due to the forcing of cold water into the boilers, which, during a detention of several days near an ice-floe, had been allowed to get dry and red hot. While the engineers were thus "getting up steam," there was an explosion, and in ten minutes the boat sank. The lost passengers numbered about 175, ninety of whom were Latter-day Saints, en route for Utah. Eli B. Kelsey was in charge of the company, but, with others belonging to it, happened to be ashore when the accident took place.

hundred hand-carts, with a few ox and mule wagons. Men, women, and children walked most of the way, wading rivers, crossing deserts, and climbing mountains, a distance of thirteen hundred miles. A few deaths occurred among the aged and sickly, but the great body arrived safe and in good condition.

The journey had taken a little over three months, and could have been accomplished in less time, but for the breaking down of some of the hand-carts, which, made of unseasoned timber, were unable to bear the strain of a long trip over the sandy, sun-heated plains. Moreover, many of the vehicles

A HAND-CART TRAIN.

were not ready when needed, and this caused delay at the beginning. The date of arrival at Salt Lake City was the 26th of September. A third company, under Captain Edward Bunker, came in on the 2nd of October.

Belated on the Plains.—Two other companies, traveling in like manner, were still on the plains. One of these was commanded by James G. Willie, and the other by Edward Martin. Captain Willie left Iowa City on the 15th of July, and Florence (old Winter Quarters) on the 19th of August. Captain Martin was about two weeks behind.

Relief Parties.—The early approach of cold weather in Utah awoke fears for the safety of the immigrants, and forthwith relief parties were organized and sent out to meet them. Scores of brave men, taking wagon loads of clothing, bedding and provisions, went forth to rescue their unfortunate fellows, struggling through deep snows and piercing winds

along the Platte and the Sweetwater. Among those who went out to meet the immigrants were several returned missionaries, just home from Europe. Traveling west they, with others, had overtaken and passed the delayed companies, and upon arriving at Salt Lake City had reported their condition, and then returned to succor them.*

The Story of the Disaster.—The story told by the survivors is pathetic in the extreme. John Chislett, of Willie's company, and John Jacques, of Martin's command, published graphic accounts of their experiences, as did also Josiah Rogerson at a later period.

According to these chroniclers, men and women, pulling loaded hand-carts, or carrying little children, and helping along the aged and feeble, traveled on in misery day after day. At times they made good progress, but as a rule only a few miles between sunrise and sundown. Thinly clad and poorly fed, they were ill prepared for the hardships of the long and wearisome journey. When provisions became low, they had to be put upon rations, which gradually grew less as the immigrants grew hungrier and weaker.

Early in the journey many of the hand-carts began to break down. Having been made with wooden axles and leather boxes, they soon became rickety and unserviceable, especially on the rough roads near the mountains. Frequent repairs were necessary, resulting in additional delay. There being no axle grease in camp, some of the immigrants used their supply of bacon to lubricate the vehicles. Unable at last to draw the heavy loads, they were compelled to lighten their luggage by casting away bedding and clothing that were needed more and more as the weather grew colder. Death after death occurred, until the path of the pilgrims could almost be traced by a trail of new-made graves. Snow fell, and shrill winds blew furiously about the worn and weary travelers. But they dared not stop, lest a worse fate might befall them.

To the Rescue.—One day, during the noon halt, a light wagon drove into camp, with two young men—Joseph A. Young and Stephen Taylor—from Salt Lake City. They announced that a train of supplies was on the way. Says the Chistlett narrative: "More welcome messengers never came from the courts of glory than these two young men were to us. They lost no time, after encouraging us all they could to press forward, but sped on further east, to convey their glad news to Edward Martin and the fifth hand-cart company, who

*The missionary party, as it left the frontier, included Elders Franklin D. Richards, Daniel Spencer, and Cyrus H. Wheelock, late presidency of the European Mission; also George D. Grant and William H. Kimball, advance agents for that season's immigration.

had left Florence about two weeks after us, and who, it was feared, were even worse off than we were. As they went from our view, many a hearty 'God bless you' followed them."

The first relief party encountered the same storm that spent its fury on the immigrants, and not knowing of their utter destitution, it encamped to await favorable weather. Captain Willie, leaving his wagons, went out to meet this party, and upon hearing his urgent story, they hitched up their teams and made all haste to the rescue.*

Martin's Ravine.—Martin's camp was found late in October, between the Platte and the Sweetwater. These immigrants had waded the cold waters of the river, and set up their tents amid piercing winds and a driving snow storm. Scraping away the deep snow with tin plates or frying pans—for they had no shovels—they were so weak they could scarcely drive the tent pegs into the hard, frozen ground. They had about given up hope, and had settled down to die amid their bleak surroundings. Scores of deaths had already occurred, and many a grave had been dug and filled by the wayside. Martin's Ravine, as the camp was called, became a cemetery before the survivors left it. When relief came, the scene of joy and thanksgiving already described was repeated.

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*The scene of joy attending the arrival, at sunset, of four covered wagons, containing food, clothing, and other supplies for the half-starved, half-frozen travelers, is eloquently described by Mr. Chislett, who was a "Mormon" at the time of the disaster, though he subsequently left the Church. Says he:

"The news ran through the camp like wild-fire, and all who were able to leave their beds turned out en masse to see them. A few minutes brought them sufficiently near to reveal our faithful Captain slightly in advance of the train. Shouts of joy rent the air; strong men wept till tears ran freely down their furrowed and sunburnt cheeks, and little children partook of the joy, which some of them hardly understood, and fairly danced around with gladness. Restraint was set aside in the general rejoicing." When the rescuers entered the camp, the women fell upon them and deluged them with kisses. The brave fellows were so completely overcome that for some moments they could utter no word, but in choking silence repressed the emotions that mastered them. "Soon, however, feeling was somewhat abated, and such a shaking of hands, such words of welcome, and such invocations of God's blessing have seldom been witnessed."

"After arriving in the valley," continues Mr. Chislettt, "I found that President Young, on learning from the brethren who passed us on the road of the lateness of our leaving the frontier, set to work at once to send us relief. It was the October Conference when they arrived with the news. Brigham at once suspended all conference business, and declared that nothing further should be done until every available team was started out to meet us. He set the example by sending several of his best mule teams laden with provisions. Heber Kimball did the same, and hundreds of others followed their noble example."

Crossing the Sweetwater.—It was about the middle of November when the last of the hand-carts crossed the Sweetwater. The stream at that point was only two feet deep, but the water was intensely cold, with three or four inches of ice on the surface. Many of the immigrants waded, as did also the rescuers, the latter carrying on their back women, children, and the weak or disabled men.*

A Typical Incident.—The Jacques narrative preserves the following typical incident of that tragic journey. In the rear of the train a man and his wife were pulling along one of the hand-carts. When they reached the river, the man, who was much worn down, asked plaintively, "Must we go across there?" On being answered in the affirmative, he burst into tears, exclaiming, "Oh! dear, I can't go through that." His wife, who had the stouter heart of the two, said soothingly, "Don't cry, Jimmie, I'll pull the hand-cart for you"—and into the icy stream she strode.

The Journey Ends.—West of South Pass the extreme cold moderated, and relief wagons were frequently encountered. In Martin's company, while it was passing down Echo Canyon, a babe was born, and one of the relief corps contributed part of his under-linen to help clothe the little stranger—a girl. She was named Echo.

Captain Willie reached Salt Lake City on the 9th of November, and Martin three weeks later. His command numbered at starting five or six hundred persons, about one-fourth of whom perished. Willie, out of four or five hundred, lost seventy-seven. The event filled Utah with gloom, and carried sadness into many a home beyond the sea. Other hand-cart companies crossed the plains, both ways, during succeeding years; but never again did one start late in the season.

Governor Young's second term closed in the midst of an episode which threatened at one time overwhelming calamity to Utah. But the tragic issue was happily averted. The details of that episode, the opening phases of which belong to the year 1857, are reserved for succeeding chapters.

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*David P. Kimball, George W. Grant, Stephen Taylor, and C. Allen Huntington are mentioned by Mr. Jacques as having performed this heroic service. Others prominently mentioned as belonging to the relief parties are Ephraim K. Hanks, William H. Kimball, Cyrus H. Wheelock, James Ferguson, Abel Garr, Daniel W. Jones, Thomas Alexander, Ben Hampton, Robert T. Burton, Charles Decker, G. G. Webb, Hosea Stout, Isaac Bullock and Joseph Simmons. The names of others equally worthy have been lost. The relief corps was mostly from Salt Lake, Davis, and Tooele counties. The people at Fort Supply were also active in extending aid.

XII.

THE COMING OF JOHNSTON'S ARMY.

1857.

An Alleged Rebellion.—The Territory of Utah was completing the seventh year of its existence, when a serious misunderstanding arose between the people of this commonwealth and the Government of the United States. It resulted in what is commonly called "The Echo Canyon War." The trouble was caused by false reports of a rebellion in Utah, and the sending of Federal troops to put down the alleged uprising. The coming of the troops, and the resistance offered by the Territorial militia to their armed and forcible entrance into Salt Lake Valley, constituted the "war" in question. The episode is known in national history as "The Utah Expedition."

The Drummond Charges.—One of the main causes of the misunderstanding was a letter written by Judge William W. Drummond to the Attorney-General of the United States, charging that the Supreme Court records at Salt Lake City had been destroyed with the direct knowledge and approval of Governor Brigham Young; that Federal officers had been grossly insulted for questioning the treasonable act; and that a condition of affairs existed calling for a change of Governors and for military aid to enable the new Executive to perform the duties of his office.

These were grave charges; but even worse were made. Judge Drummond intimated that the murder of Captain Gunnison, the death of Judge Shaver, and the killing of Secretary Babbitt had all been done by advice and direction of the leading authorities of the "Mormon" Church; and he asserted that all who opposed those authorities, in any manner whatsoever, were harassed, insulted, and even murdered, by their orders or under their influence. "These reasons," said he, "with many others that I might give which would be too heart-rending to insert in this communication, have induced me to resign the office of Justice of the Territory of Utah and again return to my adopted State of Illinois."*

Judge Drummond's letter was dated March 30, 1857. Its writer, after holding court for Judge Stiles in Carson County, passed thence into California, and libeled the people of Utah in the papers of that State. He then proceeded by the

*The investigation of the Gunnison massacre by Colonel Steptoe, and the conviction in Judge Kinney's court of several Indians concerned in that crime, have already been mentioned. The general sorrow felt over Captain Gunnison's fate, and the honors paid to his mem-

Panama route to New Orleans, and from that city sent the letter enclosing his resignation to the Attorney-General.

An Unsavory Record.—The Drummond charges were at once denied, and their author was accused of acting from motives of revenge, owing to an exposure of gross immorality which had caused all Utah to ring with his shame. It transpired that Judge Drummond had abandoned a respectable family in Illinois, and had brought with him across the plains a common courtezan, whom he introduced as his wife. He took this woman with him on his travels, and even had her sit with him upon the Bench while he dispensed justice to the people and lectured them on the short-comings of their legislators. Relatives of the real Mrs. Drummond, seeing the published notice of her arrival at Salt Lake City, called to see her and discovered the disgraceful truth.* The culprit, finding himself socially ostracised, concluded to resign his office and leave the Territory. "The whole of his conduct," says T. B. H. Stenhouse, a non-"Mormon" writer, "was a gross insult to the Government which he represented, and the people among whom he was sent to administer law. For any contempt the Mormons exhibited towards such a man, there is no need of apology."†

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ory by the Governor and Legislature, have also been touched upon. In addition, it may be stated that Governor Young wrote to the Captain's widow a kind and consolatory letter, expressing his grief over the tragedy and enclosing a lock of her husband's hair, stating that he regretted his inability, owing to the condition in which the body was found, to send it East for burial. Mrs. Gunnison and the family were fully convinced of the truth—that the Indians alone were responsible. The main facts in the case, as related by Lieutenant Beckwith of the Gunnison party, and published in the "Deseret News" shortly after the massacre, are set forth in Chapters X and XI, this History. Chapter XI also contains a true account of Judge Shaver's death and the killing of Secretary Babbitt. The Secretary's brother-in-law, who was editor of the Crescent City (Iowa) "Oracle," after a full investigation, published in that paper, May 22, 1857, the facts respecting the tragic death of his relative. They had previously appeared in the Council Bluffs "Eagle," and were copied into the "Millennial Star" (Vol. 18, pp. 686 and 823). The investigation proved beyond a doubt that Colonel Babbitt had been killed by Indians; the savages themselves confessing the crime. And yet it continues to be charged upon the "Mormon" Church by nearly all anti-"Mormon" writers.

*These relatives were Mr. and Mrs. Silas Richards. Drummond, when questioned by them, represented that his wife in Illinois had been divorced from him. The Richards couple then communicated with that lady, who wrote them a letter denying the divorce and exposing her husband's illicit relations with "the Carroll woman." This letter was published in the "Deseret News," May 20, 1857. By that time Drummond had left Utah.

†The passage quoted is from a book written by Mr. Stenhouse, entitled "The Rocky Mountain Saints," published in New York City in 1873. The author had been a prominent "Mormon," but was then a seceder from the Church.

Clerk Bolton's Denial.—As soon as the charges were published and the news could reach Salt Lake City, Curtis E. Bolton, Deputy Clerk of the United States Supreme Court of Utah, wrote to the Attorney-General over his official signature and seal, testifying that the records alleged to have been destroyed were safe in his keeping; and he offered to refute by records, dates, and facts, all that Judge Drummond had asserted.

Precipitate Action.—It was too late. The charges had been accepted as true. Before the Bolton letter could reach Washington, a new set of Federal officers had been appointed for Utah, and an army ordered to the Territory to assist them in maintaining the authority of the Federal Government.

The Magraw Letter.—The National Administration, in this rather hasty movement— for no investigation had preceded it —did not act solely upon the sensational story told by Judge Drummond. In October, 1856, W. M. F. Magraw, of Independence, Missouri, had written to President James Buchanan, representing that in Utah there was "left no vestige of law and order, no protection for life or property." He declared that the civil laws of the Territory were "overshadowed and neutralized by a so-styled ecclesiastical organization, as despotic, dangerous and damnable" as had ever been known to exist in any country, and which was ruining not only those who did not subscribe to their religious code, but was "driving the moderate and more orderly of the Mormon community to desperation." No class was exempt from outrage; all alike were "set upon by the self-constituted theocracy," whose "laws or conspiracies" were "framed in dark corners, promulgated from the stand of tabernacle or church, and executed at midnight or upon the highways by an organized band of bravos and assassins."*

PRESIDENT BUCHANAN.

The Y. X. Company.—The writer of this inflammatory epistle posed as a personal friend to President Buchanan. He

*Allusion is here made to the fabled "Danite Band," which plays so prominent a part in most anti-"Mormon" writings. Dr. Sampson Avard, at Far West, Missouri, and John C. Bennett, at Nauvoo, Illinois, both excommunicated from the "Mormon" Church for various acts of wickedness, were the originators of this sensational slander.

was an ex-mail contractor who, with his partner, J. M. Hockaday, had been conducting a mail service between Independence and Salt Lake City. The service was unsatisfactory, and when the Hockaday-Magraw contract expired, a new one was awarded by the Government to Hiram Kimball, a "Mormon," he having underbid all competitors, including the former contractors. The Kimball contract became the basis of "The Brigham Young Express Carrying Company" (abbreviated to "The Y. X. Company") which proposed to carry a regular monthly mail and transport passengers and freight between the Missouri River and the Pacific Coast. The enterprise, which was not exclusively "Mormon," several "Gentile" business men being connected with it, was launched in January, 1856, and toward the close of that year the Magraw letter found its way to Washington.

Other Complaints.—Still another complaint against alleged undesirable conditions in Utah had been made by Associate Justice George P. Stiles. As previously stated, this man had been a "Mormon," but had lost his standing in the Church on account of immoral conduct. Following a disagreement between him and several "Mormon" attorneys, whom he accused of threatening his court, Judge Stiles filed at Washington an affidavit that gave color to some of Drummond's charges. Stiles, as well as Drummond, represented that the Utah court records had been destroyed. Bolton's reply to Drummond, therefore, was equally an answer to Stiles upon that point.*

Indian Agent Hurt.—Doctor Garland Hurt, Utah's Indian Agent, likewise lent the weight of his influence at Washington against the Latter-day Saints. He did more. After the beginning of hostilities, having joined the Federal troops under safe conduct from Governor Young, he visited some of the Indian tribes and endeavored to incite them against the Utah settlers.†

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*The court incident occurred in February, 1857. The disagreement was over the rival claims of the United States marshal and the Territorial marshal, in the matter of serving writs and empaneling juries. Judge Stiles held that it was the right of the U. S. marshal to perform such service whether the court was transacting business for the United States or for the Territory of Utah. The attorneys took sharp issue with the Judge, using language construed by him as intending to intimidate. Instead of fining them, Stiles suddenly adjourned court, and used the incident as a weapon against the "Mormon" community. He complained that Governor Young, when appealed to by him, manifested contemptuous indifference over the matter.

†It was believed that the savages who broke up the Salmon River Colony in 1858 were influenced by white men unfriendly to the "Mormons."

Little and Hanks.—Information respecting the Government's purpose to send troops to this Territory came to the ears of two Utah men, Feramorz Little and Ephraim Hanks, as early as February, 1857. Late that month they arrived with the mail at Independence, having crossed the plains under a special arrangement with the postmaster of Salt Lake City; Hockaday and Magraw having failed to properly close their contract. Through the non-arrival of the mails in Utah, Mr. Kimball had not learned, up to the time that Little and Hanks left home, of the acceptance of his bid by the Government. Immediately upon receipt of the notice, preparations to begin proceedings under the new contract were vigorously pushed; so much so that the establishment by the Express Company of a mail station on the Upper Platte was reported to the Government by Indian Agent Twiss, in the Deer Creek region, as a forceful "Mormon" invasion of the Sioux Indian reservation.

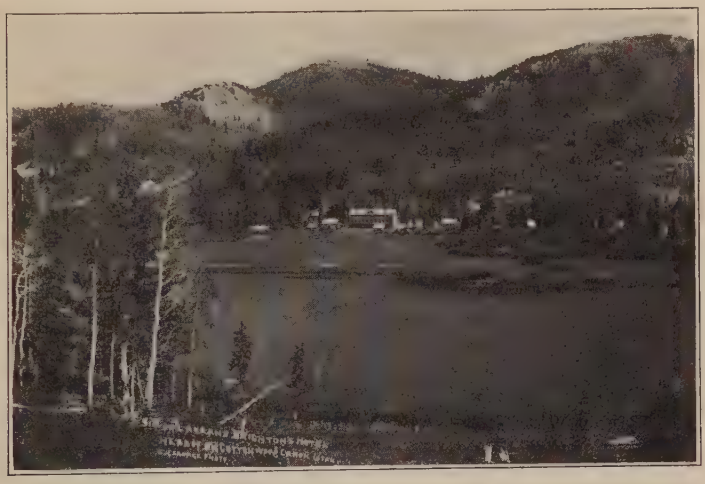
Mayor Smoot Brings the Tidings.—The news of the coming of the troops was brought to Utah by Abraham O. Smoot, Mayor of Salt Lake City. While in the East as an agent of the Y. X. Company, he learned from Feramorz Little at Fort Laramie, and afterwards at the office of a Government contractor in Kansas City, that Brigham Young had been superseded as Governor; that a new set of Federal officers had been appointed for the Territory; and that an army would accompany them to the Utah capital. He also ascertained that certain freight wagons belonging to Contractor William H. Russell, and which he had encountered on the plains, were loaded with army supplies, a portion of the equipment of the Expedition. These reports were confirmed at Independence, where the postmaster refused to deliver the mails for the West, stating that he was acting under orders from Washington.

MAYOR SMOOT

Accepting this statement as conclusive, Mayor Smoot and Nicholas Groesbeck, the latter in charge of the Y. X. Company's business at the eastern end of the route, decided to break up the recently established mail stations and move the

outfits westward. The Mayor, to avoid excitement, at first proceeded leisurely, gathering up the property as he went. On the 17th of July he reached Fort Laramie, and from that point set out with all speed for Salt Lake City. The distance was over five hundred miles, but in a light spring wagon drawn by four fast horses, he and his companions, Judson L. Stoddard and Orrin Porter Rockwell, accomplished the journey in five days and three hours, arriving at their destination on the evening of July 23rd. The news they brought was delivered to Governor Young about mid-day of the 24th.

The Silver Lake Celebration.—It was the tenth anniversary of the arrival of the Pioneers in Salt Lake Valley, and the Governor, with about twenty-six hundred people, residents of the capital and neighboring settlements, were in the midst of a peaceful celebration of that event, when the word came that an army was marching to Utah to put down a rebellion against the Government. The celebration was held



SILVER LAKE.

on the banks of Silver Lake, at the head of Big Cottonwood Canyon. From two lofty mountain peaks and some of the tallest trees surrounding the encampment, the Stars and Stripes had been unfurled, and early in the day the people had assembled in spacious boweries to be addressed by their leaders. Prayer was offered, the choir sang, bands played, cannon roared, and the military performed their evolutions. Dancing, boating, feasting, games, and other innocent amusements followed. While the festivities were at their height, four men rode into camp, seeking the presence of Governor Young.

Three of them were Mayor Smoot, Judson Stoddard, and Porter Rockwell, the Y. X. messengers from the East. Their companion was Judge Elias Smith, postmaster of Salt Lake City.

How the News was Received.—Governor Young, upon receiving the tidings brought by the messengers, called a council of leading men and laid the subject before them. There was no outward excitement, whatever the inward agitation. The main body of the campers were not even informed until they had assembled for evening prayer, when General Wells at the Governor's request spoke to them briefly, giving the news and instructing them as to the order in which they should leave the camp-ground next morning. Benediction was then pronounced, and the assemblage dispersed.

To the community at large, the warlike rumor could not but be of an exciting character. The announcement that a hostile army was approaching would have been startling at any time, but on that day of days, when the people were praising God for their deliverance from past sorrows and their establishment in a land of peace, it came with tenfold force. As interpreted by them, it meant another attempt to despoil them and drive them from their hard-earned homes.

Extreme Views.—This was an extreme view, but no more extreme than the view taken by the Government relative to a rebellion in Utah. The avowed object of the National Authorities was to give the new executive and his fellow officers a military arm to protect and assist them in the performance of their duties. Those officers, aided by the troops, were not to create chaos, but to restore order; not to make war upon the people, but to preserve peace and maintain the supremacy of law.* Such, however, was the tension of those times that

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*The instructions to the commander of the Expedition contained these sentences: "The community, and, in part, the civil government of Utah Territory are in a state of substantial rebellion against the laws and authority of the United States. A new civil Governor is about to be designated, and to be charged with the establishment and maintenance of law and order. Your able and energetic aid, with that of the troops to be placed under your command, is relied upon to secure the success of his mission." "If the Governor of the Territory, finding the ordinary course of judicial proceedings of the power vested in the United States Marshals and other proper officers inadequate for the preservation of the public peace and the due execution of the laws, should make requisition upon you for a military force to aid him as a posse comitatus in the performance of that official duty, you are hereby directed to employ for that purpose the whole or such part of your command as may be required; or should the Governor, the Judges, or Marshals of the Territory find it necessary directly to summon a part of your troops, to aid either in the performance of his du-

the citizens could not be convinced that the army meditated anything but evil. Knowing that they were not in rebellion, and that there was no need of troops to restore or maintain order, they took the view most natural under the circumstances. It looked to them like a movement for their destruction.

Resistance Determined Upon.—They resolved that such an event should not be. Self-defense was a duty as well as a right. They determined to oppose the troops, and prevent them if possible from entering Salt Lake Valley. But while holding back the arm lifted (as they believed) to strike, they proposed to acquaint the Government with the true situation, hoping that a peaceful and friendly adjustment of differences would follow. If this hope failed, they would lay waste their farms and fields, set fire to their towns and villages, and retire into the mountains or into the southern wilderness.

Governor Young's Position.—It was no part of Governor Young's purpose to resist the installation of his successor. While disgusted with the conduct of some of the officials sent from the East to represent the Government in Utah—"broken down political hacks," he called them, referring, of course, to men of the Judge Brocchus and Judge Drummond stamp, men of corrupt lives, flaunting and even boasting of their immorality; while he had no admiration for such characters, he still recognized the source of their authority, and had no thought of rebelling against the Government. He did not oppose the coming of the newly-appointed Federal officers; he opposed only the troops and what he feared would result from their entry into the Territory. Not having received from the Government any notice of the sending of the army, and knowing nothing of the instructions given to its commander, he could only judge of what it intended doing, in Utah, by the bitter memory of things done in Missouri and Illinois, when the mobs and militia of those States made common cause and undertook to "restore peace" in the "Mormon" cities and settlements—a "peace" synonymous with "desolation." Said he, "The United States is sending its armies here to hold us still until a mob can come and butcher us, as has been done before." "Liars have reported that this people have committed treason, and upon their misrepresentations the President has ordered out troops to assist in officering this Territory." "We have transgressed no law, neither do we intend to do so; but as for any

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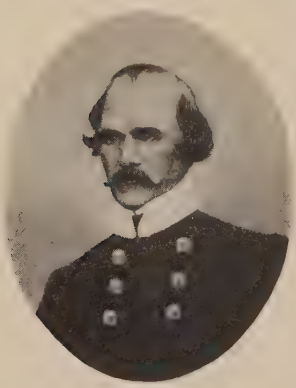
ties, you will take care that the summons be promptly obeyed. And in no case will you, your officers or men, attack any body of citizens, whatever, except on such requisition or summons, or in sheer self-defense."

nation coming to destroy this people, God Almighty being my helper, it shall not be."*

The Expedition and its Commander. The Army for Utah, twenty-five hundred choice troops, splendidly officered and equipped, set out for the West in the summer of 1857. Their commander, Albert Sidney Johnston, was a brilliant soldier, who had been spoken of as the probable successor to the aged General Winfield Scott, Commander-in-Chief of the United States Army. When ordered to Utah, Johnston was a colonel of cavalry and pay-master in the military service. Later, he was made a brigadier general. The command of the Expedition had first been given to General W. S. Harney, then in charge at Fort Leavenworth; but just before the time came to start he was ordered to remain in Kansas and operate for peace in that distracted State. Johnston received his appointment late in August, and immediately repaired to Fort Leavenworth.



GENERAL JOHNSTON.

The March Begins.—The vanguard of the troops, comprising eight companies of the Tenth Regiment and the entire Fifth Regiment of Infantry, under Colonel E. B. Alexander, moved westward on the 18th of July, and a few weeks later the two remaining companies of the Tenth Infantry, under Colonel C. F. Smith, followed. The artillery—Phelps' and Reno's batteries—went with the infantry. The cavalry, six companies of the Second Dragoons under Colonel Philip St. George Cooke, started on the 16th of September. This was the same Colonel Cooke who had commanded the Mormon Battalion in the Mexican War. With him traveled Governor Alfred Cumming and other recently-appointed Federal officers. General Johnston and staff, with a detachment of forty dragoons, in light spring wagons left the frontier post one day behind Colonel Cooke. Several large supply trains and herds of cattle for the army had been upon the plains since June or July. The expedition

*The Governor's apprehension of intended violence on the part of the Federal troops was partly based upon a widespread hostile sentiment, to the effect that the Utah Expedition ought to take possession of the "Mormon" country, kill or imprison the men, and confiscate the women. Ribald expressions to this effect were upon the lips of many of the soldiers and camp followers while on their march to the Territory.

was destined to cost the Government between fifteen and twenty million dollars.

Utah's First "Gentile" Executive.—Governor Cumming, who was about to succeed Governor Young, was a native of Georgia, and had served the Nation in an official capacity among the Indians on the Upper Missouri. He was appointed to this Territory on the 11th of July, 1857. A true southern gentleman of the old type, chivalrous, brave, fair-minded, and withal conservative, his selection at that critical period to preside over our troubled commonwealth proved in many ways most fortunate.

Captain Van Vliet.—The first person to enter Utah from the ranks of the Expedition was Captain Stewart Van Vliet, of the Commissary Department. He was guided by two "Mormon" scouts, having left his own escort at Ham's Fork, one hundred and forty-three miles distant. The date of the Captain's arrival at Salt Lake City was the 8th of September. His object in coming was to ascertain whether forage and fuel could be purchased for the troops while quartered within the Territory. In his official report to Captain Pleasanton, Assistant Adjutant General, Van Vliet said:

"Immediately upon my arrival I informed Governor Young that I desired an interview, which he appointed for the next day. On the evening of the day of my arrival Governor Young, with many of the leading men of the city, called upon me at my quarters. The Governor received me most cordially, and treated me during my stay, which continued some six days, with the greatest hospitality and kindness. In this interview he made known to me his views with regard to the approach of the United States troops, in plain and unmistakable language. * * * The next day, as agreed upon, I called upon the Governor and delivered in person the letter with which I had been entrusted. In that interview, and in several subsequent ones, the same determination to resist to the death the entrance of the troops into the valley was expressed by Governor Young and those about him. The Governor informed me that there was abundance of everything I required for the troops, such as lumber, forage, etc., but that none would be sold to us.

"In the course of my conversations with the Governor and the influential men of the Territory, I told them plainly and frankly what I conceived would be the result of their present course. I told them that they might prevent the small military force now approaching Utah from getting through the narrow defiles and rugged passes of the mountains this year, but that next season the United States Government would send troops sufficient to overcome all opposition. The answer to this was invariably the same: 'We are aware that such will be the case; but when those troops arrive they will find Utah a desert. Every house will be burned to the ground, every tree cut down, and every field laid waste. We have three years' provisions on hand, which we will cache, and then take to the mountains and bid defiance to all the powers of the Government.'

"I attended their services on Sunday, and, in course of a sermon delivered by Elder Taylor, he referred to the approach of the troops

and declared they should not enter the Territory. He then referred to the probability of an overpowering force being sent against them, and desired all present who would apply the torch to their buildings, cut down their trees, and lay waste their fields, to hold up their hands. Every hand, in an audience numbering over four thousand persons, was raised at the same moment. During my stay in the city I visited several families, and all with whom I was thrown looked upon the present movement of the troops toward their Territory as the commencement of another religious persecution, and expressed a fixed determination to sustain Governor Young in any measures he might adopt. From all these facts I am forced to the conclusion that the Governor and the people of Utah will prevent, if possible, the Army for Utah from entering their Territory this season. This, in my opinion, will not be a difficult task, owing to the lateness of the season, the smallness of our force, and the defenses that nature has thrown around the Valley of the Great Salt Lake."

Bloodshed Deprecated.—Captain Van Vliet became convinced that the people of Utah had been grossly misrepresented, and he expressed the belief that the Government would send an investigating committee to the Territory. Governor Young replied: "I believe God sent you here, and that good will grow out of it. I was glad when I heard you were coming. If we can keep the peace this winter, I feel sure that something will occur to prevent the shedding of blood."

A Deplorable Deed.—The irony of fate was never more painfully manifest than at that particular period. While these hopeful and humane sentiments were being uttered in Northern Utah, there was perpetrated, in a far away southern corner of the Territory, a most horrible deed—the Mountain Meadows massacre, at once the most tragic and most deplorable event in the history of the commonwealth. It occurred on the 11th of September, while Captain Van Vliet was still at Salt Lake City; but the news did not reach this point until nearly three weeks later. Even then the awful tale was not fully told. It was not a day of railroads and telegraphs, and the scene of the crime was three hundred miles from the Territorial capital, in an Indian country, beyond the outskirts of civilization.

XIII.

THE MOUNTAIN MEADOWS MASSACRE.

1857.

A Crime Against Utah.—The massacre at Mountain Meadows was not only a crime against its immediate victims; it was a crime against the commonwealth, whose fair fame was thus dragged in the mire, and whose people, through persistent misrepresentation, have been made to suffer unjustly the odium of a deed which all classes alike execrate and deplore. Limited space precludes here an exhaustive treatment of the subject, but the main facts connected with the terrible tragedy are as follows.

Emigrants for California.—About the time the news reached Utah that an army was marching toward the Territory, for the avowed purpose of suppressing what the Federal Administration styled "a state of substantial rebellion against the laws and authority of the United States," there arrived at Salt Lake City two companies of emigrants, one from Arkansas, and the other from Missouri, both on their way to Southern California. The Arkansas company was led by Captain Fancher, and the Missouri company by Captain Dukes. Fancher's train seems to have been made up for the most part of respectable and well-to-do people, but along with them went a rough and reckless set of men calling themselves "Missouri Wild Cats." The latter were a boisterous lot, and their conduct was probably one of the chief causes of the calamity that came upon them and their betters.

The "Missouri Wild Cats."—This "rough and ready" element is mentioned by Mr. Stenhouse ("Rocky Mountain Saints," pp. 424-428) as forming a party distinct from the Arkansas company. This upon information imparted to him by a gentleman friend, whom Mrs. Stenhouse, in her book ("Tell it All," p. 325) identifies as Eli B. Kelsey, who traveled with the emigrants from Fort Bridger to Salt Lake City. But Bancroft, the Western historian, discredits this statement (History of Utah, p. 545, Note 3), and gives credence to an account published in Hutchings' California Magazine (IV. 345) to the effect that "there were a few Missourians in the Arkansas party."*

*Mrs. Stenhouse, in her reference to Kelsey, says: "If I remember rightly, he said that the train was divided into two parts," a qualification indicating that the Stenhouses were not quite sure of what Kelsey had told them on this point. The truth appears to be, as Mr. Bancroft states, that there were Missourians in the Arkansas party; and this

Southern Route Chosen.—The emigrants remained several days, encamped near the Jordan River, undecided as to whether they should take the northern or the southern route, in continuing their journey westward. Charles C. Rich, one of the "Mormon" leaders, who was well acquainted with the country ahead of the travelers, advised them to pursue the northern route, by way of Bear River and the Humboldt. The Arkansas company, acting upon this advice, went as far as Bear River, and then returned, having decided after all to follow the southern trail, it being nearer to their destination. Both companies proceeded southward, with the Arkansas emigrants in the lead. They traveled by way of Provo, Springville, Payson, Fillmore, and the smaller settlements beyond.

C. C. RICH.

Rescued by "Mormons."—The Dukes company was delayed by trouble with the Indians, one of whom they shot; two of their number being wounded in return. This occurred near Beaver, a new settlement between Fillmore and Parowan.* Attacked by the red men, these emigrants were compelled to corral their wagons and seek protection in a rifle pit. Through the intervention of Utah militia officers—"Mormons"—the Indians were placated and the emigrants allowed to proceed. When beyond the last of the line of settlements, they were again attacked and again saved, the mediators being "Mormon" guides and interpreters, who persuaded the Missourians to buy off the savages with

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view is borne out by a statement from some of the settlers, that the emigrants boasted of participating in the expulsion of the "Mormons" from Missouri. The "Wild Cats" may have been confounded by Mr. Kelsey with the Dukes company, which escaped the fate that befell the Fancher party.

*Beaver was founded in February 1856, by settlers from Parowan. The first three to arrive on Beaver Creek were Wilson G. Nowers, Simeon F. Howd, and James P. Anderson. Others soon followed, and George A. Smith organized them into a branch of the Church, with Simeon F. Howd as president, and Edward W. Thompson as clerk. Cedar City and Fillmore also contributed pioneers to the new settlement.

their loose stock. These travelers reached the Pacific Coast in safety.*

The Arkansas Company.—Meanwhile the Arkansas company had met with a horrible fate. They numbered about thirty families, aggregating one hundred and thirty-seven persons, including the "Wild Cat" Missourians. After passing Fillmore they encamped, about the 20th of August, at Corn Creek (Kanosh), and several days later proceeded by way of Beaver and Parowan to Cedar City, which was then the most southern Utah settlement of any consequence. There the trail branched to the southwest, crossing the desert to Southern California.

Attitude of the Settlers.—It is an oft-repeated assertion that the people along the southern route, acting under orders from Salt Lake City, refused to sell supplies to these emigrants, who had been foredoomed to destruction. This infamous falsehood—for it is nothing else—was refuted by sworn testimony taken in court when the Mountain Meadows case was thoroughly sifted. It was shown that the people were advised by their leaders to save their grain, as it was a time of scarcity, and not feed it to their animals, nor sell it to travelers for that purpose; but they were to furnish all passing companies with what they actually needed for breadstuff. Hon. Jesse N. Smith, of Parowan, testified that he sold flour and salt to the Arkansas emigrants, and having flour to spare, asked them if they wanted more. They wanted vegetables, but he had none to spare. The emigrants obtained supplies at Cedar, as they had previously obtained them at Parowan.†

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*Hon. Silas S. Smith, in his testimony at the first Lee trial, mentions both the Fancher and the Dukes companies, and the part played by him in behalf of the latter, when they were in trouble with the Indians near Beaver. Mr. Smith acted as intervenor by request of Colonel Dame, at Parowan.

The Dukes company is also referred to, though not by name, in a little book entitled "Jacob Hamblin" edited by James A. Little and published at Salt Lake City in 1881. Hamblin was a "Mormon" frontiersman, explorer, and missionary to the Indians. He had a ranch near Mountain Meadows, but was in Northern Utah when the massacre took place. Hamblin, with Samuel Knight and Dudley Leavitt, was afterwards instrumental in saving the Dukes company when it was attacked the second time by Indians. This was on Muddy Creek, one hundred and fifty miles beyond Cedar City. Later in the same autumn Hamblin, directed by Governor Young, piloted a company of "Gentile" merchants safe through to California. They had been doing business at Salt Lake City, and were fleeing from the prospect of trouble between Utah and the General Government. ("Jacob Hamblin," pp. 46-48.)

†Colonel William H. Dame was commander of the Parowan Military District. After Governor Young proclaimed martial law, which was about the time the massacre occurred, Colonel Dame re-

At Mountain Meadows.—From Cedar the travelers passed on to Mountain Meadows, thirty or forty miles from that town, and several miles off the main line of travel. On a beautiful grassy spot, a piece of elevated pasture land, they halted for rest and to recuperate their horses and cattle preparatory to the journey before them. While they were thus encamped the tragedy was enacted which has since been known as the Mountain Meadows Massacre.

It was the deed of Indians and white men. The leader, John Doyle Lee, was a farmer among the red men and had great influence over them. He directed the Indian attack, and personally took part in that cruel butchery of men, women, and children.

Attempts to Implicate the Innocent.—For a long while attempts to fix the responsibility for this awful crime proved unavailing. Prosecuting officers and judges were determined to place the blame where it did not belong. As soon as it became known that white men were engaged in the massacre, efforts were made to implicate persons who had nothing whatever to do with it. When sober reason asserted itself, and a demand for simple justice superseded an insane desire to judicially murder the innocent, every difficulty in the way of a thorough investigation of the deed and the punishment of its perpetrators vanished.

Bancroft on the Massacre.—Bancroft's History of Utah (p. 544) comments thus upon the Mountain Meadows Massacre: "It may as well be understood at the outset that this horrible crime, so often and so persistently charged upon the Mormon Church and its leaders, was the crime of an individual, the crime of a fanatic of the worst stamp, one who was a member of the Mormon Church, but of whose intentions the Church knew nothing, and whose bloody acts, the members of the Church, high and low, regard with as much abhorrence as any out of the Church. Indeed, the blow fell upon the brotherhood with threefold force and damage. There was the cruelty of it, which wrung their hearts; and there was the strength it lent their enemies further to malign and molest them. The Mormons denounce the Mountain Meadows Massacre, and every act connected therewith, as earnestly and honestly as any in the outside world. This is abundantly proved and may be accepted as a historical fact."

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ceived from him a copy of the proclamation with a circular (sent to prominent men all over the Territory) in which were these words: "And what we said in regard to saving the grain and provisions, we say again, let there be no waste." At its close the circular said: "Save life always when it is possible.. We do not wish to shed a drop of blood if it can be avoided."

Mr. Bancroft is right. For that ghastly and gruesome deed, which every citizen of Utah regards as a public calamity, a stain upon the fair name of the State, no church, no community, is responsible. Letting alone the question of principle, in force at all times, it is incontrovertible that nothing could have been farther from the policy of the "Mormon" people at that period than the massacre at Mountain Meadows.*

The Conduct of the Emigrants.—It has always been alleged that these emigrants, or a portion of them, acted in a reprehensible manner while passing through the Utah settlements; that some of them went so far as to poison springs of water, also the dead body of an ox, and that several Indians died from drinking at those springs and eating of the infected carcass. They have also been charged with insolent and lawless conduct toward the white settlers, violating their municipal regulations, destroying property, insulting women, and defying the officers of the law who protested against their bad behavior. It has been represented that they gloated over the former mobbings and drivings of the people, the murder of their Prophet and other leading men, declaring that they had taken part in those atrocities, and rejoicing at the prospect of the extermination of the entire community by the army then coming from the East. Moreover, that they even threatened to return, after taking their women and children to a place of safety, and assist the troops in the work of rapine and destruction.

The slain emigrants cannot, of course, speak for themselves, either in denial or admission of the truth of these charges. But there have always been proxies who were more than willing to assert that the travelers conducted themselves with strict propriety, neither committing the deeds nor uttering the threats attributed to them. Anti-"Mormon" writers

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*The seeming connection between the crime and a remark made by Governor Young to Captain Van Vliet, is treated thus by Mr. Bancroft. After quoting the "Mormon" leader as saying (September 9, 1857): "If the Government dare to force the issue, I shall not hold the Indians by the wrist any longer." "If the issue comes, you may tell the Government to stop all emigration across the continent, for the Indians will kill all who attempt it," the historian adds: "The threat and the deed came so near together as to lead many to believe that one was the result of the other. But a moment's reflection will show that they were too nearly simultaneous for this to be the case; that in the absence of telegraph and railroad it would be impossible to execute such a deed three hundred miles away in two days."

According to Wilford Woodruff's journal, however, the conversation between Governor Young and Captain Van Vliet in which that particular remark occurs, took place two days after the massacre, instead of two days before.—Roberts' History of the Mormon Church, "Americana" for June, 1913.

upon the theme have almost invariably taken this ground, in their eagerness to depict the crime in its most hideous aspects. As if it were not sufficiently atrocious to suit their purpose, they have painted it blacker still, hoping thereby to injure, not the guilty perpetrators, but those whom they hate far more —the leaders, dead and living, of the "Mormon" Church.*

On the other hand, those guilty of such a deed, when they fully realized its awful consequences, would be exceedingly liable to exaggerate the offenses of the emigrants, in order to palliate "the deep damnation of their taking off." Possibly too much has been affirmed, and too much denied, upon this particular point.

The fact remains, however, and it is a well attested fact, that some of those emigrants conducted themselves in a manner the reverse of commendable. Impartial history will parallel the assertion that the emigrants conducted themselves properly, with the statement quoted by Mr. Stenhouse (a non-"Mormon" when he wrote) that the camp of the "Wild Cat"

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*The latest attempt of this kind is by R. N. Baskin of Salt Lake City. As late as the year 1914—practically the present hour—when the ancient bitterness between "Mormons" and "Gentiles" has so far abated that they can affiliate socially, politically, and in business, as never before, this Bourbon of the dead past, who "learns nothing" and "forgets nothing," drags from the grave and holds up to public view the skeletons of the old blood-curdling sensations which all good citizens desire to have buried in oblivion. In the face of all the evidence to the contrary, he tries to make it appear that the "Mormon" Church and its leading men were responsible for the Mountain Meadows Massacre. That crime was committed in 1857; Mr. Baskin, according to his own account, came to Utah in 1865. All he knows about the massacre he learned from others after his arrival here; and the same is true of more of his so-called "Reminiscences." They are largely a rehash of stale anti-"Mormon" stories, based upon the testimony of apostates, jail-birds, and self-confessed murderers. He complains of inaccuracies in other writings, while his own book fairly bristles with them. It abounds in coarse abuse and venomous vituperation. Under pretense of correcting alleged misstatements of history, he vents his personal spleen and pours the vitriol of his implacable hatred upon "Mormons" and "Mormonism" in general. A special feature is the revival of the musty Munchausenism respecting "Danites" or blood-avengers who, according to Baskin, once made a business of killing apostates and enemies of the "Mormon" Church. It does not seem to have dawned upon his comprehension, that if the extravagant tales he repeats and his frenetic "opinions" founded thereon were even half way true, he would never have lived to write any reminiscences. Had there been any "Danites" they would have disposed of him long ago. The mere fact that this inveterate "Mormon"-hater is alive and well ought to be accepted as conclusive proof of the non-existence of such an organization, past or present. He has lived here fifty years, not only unmolested, but treated with kindness and consideration, which he now repays by endeavoring to injure the people who made it possible for him to append to his signature as a private citizen, "Ex-Chief Justice of the Supreme Bench of Utah."

Missourians "resounded with vulgar songs, boisterous roaring, and 'tall swearing.'" Their misconduct was so pronounced that the decent and respectable emigrants were advised not to travel with them, lest, through their ill behavior, trouble might come upon all.—"Rocky Mountain Saints," pp. 427, 428.*

Notwithstanding this improper behavior, the emigrants were well treated by most of the settlers; but for some reason feeling ran high against them in the remote and isolated district where they were sacrificed to savage greed and resentment, reinforced and directed by fanatical fury.

How the Deed was Done.—The attack at Mountain Meadows began at dawn of September 7th, when an overwhelming force of Indians poured deadly volleys upon the emigrants, from the hills and ravines surrounding the place of their encampment. In the opening onslaught seven men were killed and sixteen wounded. The survivors made a brave defense, and held the enemy at bay. At this time the only white man known to have been with the Indians was John D. Lee. Subsequently others came upon the scene, lured to the Meadows, as they claimed, by the representation that their services were needed to bury the dead. Some of them participated in the butchery that followed. The siege was maintained until the morning of Friday the 11th, when Lee induced the emigrants to surrender, promising to convey them to a place of safety. Trusting in his word, they gave up their arms, and were massacred after marching out of their entrenchments. Seventeen children, ranging in age from two or three months to seven years, were spared and eventually returned to their friends in Arkansas, Congress having made an appropriation for that purpose. The property of the dead emigrants was disposed of by those who slew them.

Baseless Theories—The Pratt Murder—The Reformation.—To render plausible the theory that the "Mormon" Church was the real culprit in the case, it has been cited that this company of emigrants came from a State where, only a few months before, one of the Church leaders had been murdered. It is true that Parley P. Pratt, accused of abducting the children of Hector H. McLean, had stood trial, May 13, 1857, before a United States court at Van Buren, Arkansas. Acquitted

*Readers of the Baskin "Reminiscences" will look in vain therein for any allusion to these incidents. While their author quotes copiously from the Stenhouse books, he is discreetly silent upon the subject of the "Missouri Wild Cats" and their unseemly behavior. The reason is apparent. The mention of such things would have marred the picture he was painting, in which he desired to exhibit the emigrants in the best light, and the "Mormons" in the worst light, possible.

of the charge brought against him, he was liberated and allowed to proceed on his way. Mounting his horse, he was riding northward through a sparsely settled region toward the point where he purposed joining an emigrant train bound for Utah, when he was overtaken by McLean, who plunged a bowie knife into his victim's side, and after the unarmed man had fallen from his horse, shot him with a pistol snatched from the hand of an accomplice. The murderer was never brought to justice. He claimed that the man he slew had alienated the affections of his wife; but Mrs. McLean alleged drunkenness and cruelty as the causes of separation. She was endeavoring to regain possession of her children, torn from her in San Francisco and taken to New Orleans, and Mr. Pratt was assisting her, when he was arrested and put on trial.

P. P. PRATT.

The theory of Church responsibility based upon this incident is met by the fact that the most serious troubles of the "Mormon" people had taken place not in Arkansas, but in Missouri and Illinois. In Missouri had occurred the Haun's Mill Massacre, in which a score of "Mormon" settlers were ruthlessly butchered, prior to a general devastation of "Mormon" homes and the mid-winter expulsion of the entire community from the State; and yet Captain Dukes and his Missouri company were rescued from Indians and assisted toward their destination by "Mormons." Joseph and Hyrum Smith had been murdered in Illinois, and yet Judge Drummond and others from that State were spared by the dreadful "Danites" or "Avenging Angels," whose secret existence was asserted. Moreover, Parley P. Pratt had been acquitted in Arkansas, before his murder—probably in Indian Territory—by an assassin from Louisiana. There was no apparent reason, therefore, why emigrants from Arkansas should be hated by the "Mormon" people. On the contrary, there was good cause why that State should be gratefully remembered by them. At the time of the exodus from Illinois, when an appeal was made by the homeless community to the

Governors of all the States, asking for protection and an asylum within their borders, the Governor of Arkansas, and he alone, answered the petition, responding to it with a generous and sympathetic epistle.

Some have held that the affair at Mountain Meadows was the indirect result of a wave of fanatical sentiment created by a movement in Utah known as "The Reformation," which began in the latter part of 1856, a year before the massacre took place. A call to repentance was made by the "Mormon" Church upon all wrong-doers within its pale; much strong language was used by the leaders in their denunciation of iniquity; and during the next six months "the inside of the platter" was pretty thoroughly cleansed by the reclamation or excommunication of the offending members. That there was much enthusiasm, and some fanaticism, as the fruit of this crusade against vice, is not denied by those who know best concerning its character and spirit; but they utterly repudiate the idea of any connection between the reformation and a deed of blood compared with which the sins the people had been warned to forsake were as molehills to a mountain. A call to repentance could hardly have been construed, even by the most fanatical, as a command or an encouragement to commit crime.*

The Probable Causes.—There need be no vain theorizing over this matter—no straining after imaginary reasons. The most consistent hypothesis that can be advanced to account for the atrocity at Mountain Meadows, is the excitement and agitation over the coming of Johnston's Army, and the fear of what that army intended doing in Utah.† Everything goes to show that these feelings of alarm, intensified by words and acts of special provocation, were largely if not mainly responsible for the terrible fate that befell the emigrants. The unwise threats made by some of them—for that such threats were made has always been affirmed by those cognizant of the facts—would be extremely potent in producing the fatal result. Exonerating from reproach all reputable members of the ill-starred company, the fact remains that a portion of them, according to the testimony of "Mormons" and non-"Mormons" alike, were far from being the white-souled saints that certain

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*One of the most active promoters of the Reformation was President Jedediah M. Grant. He virtually gave his life to that cause. His strenuous exertions in warning, exhorting, baptizing, and reclaiming the erring, exhausted his vitality and resulted in his death, December 1, 1856.

†"The terrible wrongs and persecutions of Missouri and Illinois came up vividly in the minds of those who had suffered in them and greatly intensified the public feeling."—Jacob Hamblin, p. 52.

writers would have the public believe. Those wild Missourians were quite capable of making the bloodthirsty threats attributed to them, and of carrying out those threats, as "Mormon" history amply shows. And the spirit they manifested—they being the aggressive, dominant element in the company—would naturally be regarded by the settlers, however mistakenly, as the spirit of the entire camp. It is quite conceivable, too, that some of the Arkansas emigrants were of the same mood, and that they joined with the Missourians in their tantalizing talk and offensive conduct.

No Justification.—All this does not justify the massacre. Nothing can justify that inhuman and indefensible deed. But the facts here presented help to explain why the massacre took place, and no honest historian or fair-minded student of history can consistently ignore this phase of the question.

Local, Not General.—Resentment and fear were probably the main causes of the tragedy. Savage ferocity, springing from greed or revenge, also figured in the catastrophe. But the causes were local, not general. The feelings of exasperation that conspired with other conditions to bring about the dreadful fatality, were confined to one county of the Territory, to one or two small towns within that county, and to a few of the white inhabitants of those towns. As cruel and as criminal as the massacre itself, is the attempt to place upon a whole people, upon an entire community, the burden of a crime committed by a few of its members—a crime which nobody defends, but which all classes unite in denouncing and execrating as a most dastardly and most damnable deed.

Time and Place.—Such atrocities as those at Haun's Mill and at Mountain Meadows can only occur at certain periods and in certain places—usually in warlike times and in parts remote from the busy centers of population. Events and utterances of little consequence in cities, are, in villages, magnified beyond their due proportions, and feelings often spring up in such localities that are not found in more thickly peopled haunts, where communication is freer, business more engrossing, and public sentiment more tolerant. Great as was the agitation at Salt Lake City in the autumn of 1857, it was tempered and controlled by the presence and wise counsels of farsighted leaders. Had these same men been upon the scene of the massacre, a desire to retaliate for acts and utterances such as those charged against the emigrants would have been held in check. The demands of prudence would have been recognized, whatever the provocation. The general welfare would have been considered, and a different method chosen to conserve it, than the one adopted by that handful of misguided

fanatics who were one with the infuriate Indian horde in committing the horrible deed.

Division of Sentiment—Advice Sought.—Yet even in that remote region, the cool heads outnumbered the hot ones, wise counsels in part prevailed, and forbearance and self-control were manifested by the humane and hospitable majority of the people. The question of dealing with these emigrants, on account of the lawless acts and ferocious threats mentioned, was debated both at Parowan and Cedar, after the company had passed through those places; and it was urged by some that inasmuch as the strangers had declared themselves enemies they should be treated as such, and at least held as prisoners of war. Others were equally urgent that the travelers should not be molested.

What would be the outcome? Certain hot-headed zealots, some of them prominent and influential in that part, favored the most drastic measures, and the Indians were gathering in force between Cedar and the Meadows, their purpose being to attack and plunder the emigrant camp. The situation was critical. In view of the circumstances it was finally decided to submit the question, with full information, to the authorities at Salt Lake City; to send a courier to the Governor of the Territory, asking his advice as to what should be done.* Meanwhile the Indians were to be pacified and prevented if possible from executing their fell design. Colonel Isaac C. Haight, in command of the militia at Cedar, wrote an order to that effect and sent it to John D. Lee, "Major of the Post." Haight also wrote a dispatch to Governor Young, which was carried by James H. Haslam, a mounted messenger, to the far away capital. Haslam could scarcely have started upon his errand when word came to Haight that the camp at Mountain Meadows had been attacked,

J. H. HASLAM.

*Testimony of Laban Morrill at the second and final trial of John D. Lee.

that some of the emigrants had been killed, and that the survivors were in a state of siege.

Governor Young Tries to Save the Emigrants.—Haslam left Cedar late in the afternoon of Monday the 7th. Riding fast and changing horses frequently, he succeeded in reaching Salt Lake City on the morning of Thursday the 10th. He at once delivered the dispatch to Governor Young, who, seeing at a glance the perilous situation, with all the issues involved, and the need of urgent haste to ward off the threatened catastrophe, immediately answered Haight's message, and handed the letter to the courier with these words: "Go with all speed, spare no horse flesh. The emigrants must not be meddled with, if it takes all Iron County to prevent it. They must go free and unmolested."*

Haslam reached Cedar City on Sunday the 13th, and gave the Governor's letter to Colonel Haight. That letter contained these words—the only reference to emigrants in the communication: "In regard to the emigration trains passing through our settlements, we must not interfere with them until they are first notified to keep away. You must not meddle with them. There are no other trains that I know of. If those who are there will leave, let them go in peace." Haight, as he read the letter, exclaimed, "Too late, too late," and burst into tears. The massacre had already taken place.†

Why the Effort Failed.—What precipitated the tragedy, pending the arrival of the dispatch that would have prevented it, is not certainly known. The accounts are very conflicting. Lee, in an alleged "confession," published after his death, lays the blame upon Haight, whom he accuses not only of inciting him to stir up the Indians against the emigrants, but of subsequently issuing an order for the massacre. But such testimony is, of course, not unimpeachable. Lee also declares that Haight accused Colonel Dame of issuing the fatal order. But why was such an order issued—if indeed it was issued? Why was the deed done? The probable reason is this: The emigrants had learned that white men were in league with the

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*Haslam's testimony at the Lee trial. See also his supplemental testimony, dated December 4, 1884, attested January 12, 1885, and subsequently published in pamphlet form.

†Governor Young's letter to Colonel Haight, dated "President's Office, Great Salt Lake City, Sept. 10, 1857," is published entire in C. W. Penrose's address on "The Mountain Meadows Massacre," delivered at Salt Lake City, October 26, 1884, and afterwards issued as a pamphlet, with James Holt Haslam's additional testimony as a supplement. The Governor's letter may also be found in Roberts' History of the "Mormon" Church ("Americana" for June 1913).

savages against them, and it was therefore determined to "wipe out" the company, sparing none who could tell the tale.

Lee's False Report.—Two weeks and four days later John D. Lee brought to Governor Young a verbal report of the affair. The Governor was horrified, and wept at the recital. Lee laid the blame entirely upon the Indians, declaring that no white man took part in the killing. So said Brigham Young; and such also is the substance of depositions signed and sworn to by Wilford Woodruff and John W. Young, both of whom were present on the occasion.*

The Truth Comes to Light.—Among all but the actual participants, there was complete acceptance of the story that the crime was committed solely by Indians. The white men engaged in it, before leaving the fatal field had pledged themselves under the most binding oaths to maintain absolute secrecy as to the facts. For years the unholy promise was kept; but little by little the truth leaked out. John D. Lee was then expelled from the Church, and Isaac C. Haight, his superior officer, for failing to restrain him and to take prompt action against him, was also excommunicated. Subsequently Lee was brought to justice, and paid the penalty of his crime. Others implicated in the massacre were fugitives for many years, and finally died in exile. An account of the trial, conviction, and execution of John D. Lee is reserved for a future chapter.

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*Copies of these depositions, and one of similar import from Aaron F. Farr, Sr., may be found in the Penrose pamphlet on the Massacre, pp. 51-59.

XIV.

THE ECHO CANYON WAR.

1857-1858.

Johnston's Army.—The Army for Utah was now approaching the eastern border of the Territory. Its progress, since leaving Fort Leavenworth, had been in the main satisfactory. True, the Cheyenne Indians had raided the cattle herds, running off eight hundred beeves, and killing one of the nineteen drovers; but the army itself had suffered no misfortune. The weather had been pleasant, and everything seemed propitious for the expedition.

GENERAL WELLS.

After passing the Rocky Mountains, however, there was a radical change. The experience of the troops was then one continuous disaster. Frost and fire combined against them. Johnston's campaign in Utah, except that no fighting took place, repeated on a small scale Napoleon's campaign in Russia.

The Utah Militia.—The commander of the Expedition had been warned by his superiors to "anticipate resistance, general, organized, and formidable." The anticipation was fully realized. Since 1852 Utah had been divided into military districts, most of them corresponding to the several counties of the Territory, and laws had been enacted for the further organization of the militia, still known by its reminiscent title, "The Nauvoo Legion." In the spring of 1857 the Territory had been redistricted, and eight days after Governor Young learned of the coming of the army, General Wells issued instructions to the district commanders, requiring them to hold their forces in readiness to march at short notice, and to make all needful preparations for a winter campaign. The Legion then numbered a little over six thousand men, about one-third of whom took the field. From early in August warlike preparations went forward, until the militia were ready to meet those whom they regarded as foes and invaders.

Martial Law Proclaimed.—Just before the first of the Federal troops crossed the Utah line, Governor Young proclaimed martial law, forbidding all armed forces to enter the Territory and directing the militia to repel any attempt at invasion. The date of this proclamation was September 15, 1857. A copy of the document was forwarded to Colonel Alexander, who commanded the vanguard of the approaching army. Citizens of Utah traveling or sojourning in other lands were invited to return and rally for the common defense. Settlements formed by "Mormon" colonists beyond the limits of the Territory were now broken up, the inhabitants moving back to their former homes.

Camp Winfield.—Ignoring the Governor's proclamation, Colonel Alexander pushed on to Ham's Fork of Green River, and there established Camp Winfield, twenty miles northeast of Fort Bridger. He reached his camp ground on the 28th of September, having made forced marches for several days in order to overtake and protect the supply trains that preceded the army across the Rocky Mountains.

General Wells—Echo Canyon.—About this time General Wells with his staff left Salt Lake City for Echo Canyon, where he established headquarters. His entire force then numbered about twelve hundred and fifty men, made up of companies from the various military districts. Twice that number, however, saw active service before the campaign ended.*

Echo Canyon, the main route through the mountains, commanded all the passes and defiles leading directly to Salt Lake Valley. General Wells encamped at a place called "The Narrows," about four miles above the mouth of the canyon. There, where the rugged road winds between over-hanging cliffs hundreds of feet in height, a small force, it was thought, might hold in check a large army.

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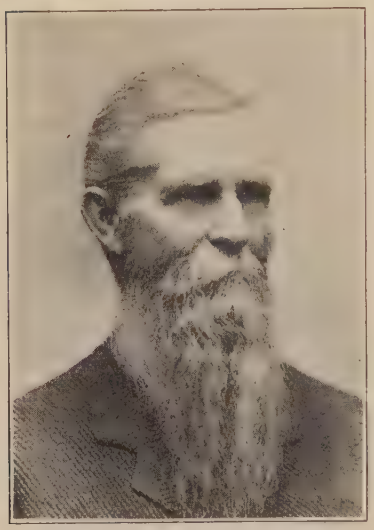
*At the headquarters of the Utah militia, on the 21st of November, the following infantry organizations were reported as present: The Fifth Regiment, from the Weber Military District, under Colonel Chauncy W. West; the Second Regiment, Second Brigade, under Colonel Thomas Callister; Davis County troops, under Colonel Philemon C. Merrill; Provo troops, under Colonel W. B. Pace; Payson troops, under Major A. K. Thurber; Lehi companies, under Major Hyde; Extra Battalion, under Major Rowberry; First Battalion, Third Regiment, First Brigade, under Major Sharp; Second Battalion of the same regiment, under Major Blair; and the Silver Greys, under Colonel Harmon. The Second Battalion of Life Guards, under Major John D. T. McAllister, and a company of light artillery under Adjutant Atwood, were also present. The aggregate force was nineteen hundred and fifty-eight men, commanded by Colonel Nathaniel V. Jones. There were also several cavalry commands, under Colonel Robert T. Burton, Majors Lot Smith and William Maxwell, Captain Andrew Cunningham, O. P. Rockwell and others.

Leaving most of his men in camp, the General, with a light escort, went on to Fort Bridger. He had previously ordered Colonel N. V. Jones, with the main body, to do all in his power to render the canyon impassable, by digging trenches and building dams, that it might be flooded; and by constructing breastworks and piling boulders upon the heights, for use against the troops if they attempted to force a passage.



ROBERT T. BURTON.

Colonel Burton's Reconnoisance. — At Fort Bridger General Wells met Colonel Robert T. Burton who, with a body of cavalry, had been reconnoitering since the middle of August. Two of his command, Briant Stringham and N. V. Jones, had guided Captain Van Vliet to Salt Lake City. Colonel Burton reported the establishment of Camp Winfield and the location of the Government supply trains.

General Wells and Colonel Alexander.—On the last day of September General Wells sent a communication to Colonel Alexander, calling attention to the fact that the latter had disregarded the proclamation forbidding armed forces to enter Utah, and directing him to retire, or else disarm his force and deposit his arms and ammunition with Lewis Robison, Quartermaster-General of the Territory. Enclosed were copies of the proclamation and a letter from Governor Young, stating that if the troops fell short of provisions they would be furnished on application. General Wells added that he and his men were there to carry out the Governor's instructions.

Colonel Alexander answered courteously, stating that he would submit the communication to the Commanding General as soon as he arrived. "In the meantime," he added, "I have only to say that these troops are here by order of the President of the United States, and their future movements will depend entirely upon orders issued by competent military authority.*

*Colonel Alexander addressed his communication to "Brigham Young, Esq., Governor of Utah Territory." Governor Young had not been officially notified of the appointment of his successor, nor had that successor, Governor Cumming, qualified for the discharge of his duties.

A Bloodless Campaign.—Such a reply was doubtless anticipated. An alternative plan of campaign had been matured in Salt Lake City before General Wells went to the front. Steps were now taken to convince the Government that the people of Utah were in earnest, and would not, without a struggle, permit the army to pass the Wasatch Mountains. At the same time it was determined to take no life, unless absolutely unavoidable, and orders to that effect were issued. Not even when fired upon by the Government troops, did the militia disregard these instructions.

LOT SMITH.

Government Trains Burned.—Upon the return of his messenger with Colonel Alexander's reply, General Wells ordered Major Lot Smith to turn back or burn the Government supply trains then on the way to Camp Winfield. On the night of the 3rd of October, Major Smith, at the head of forty-three mounted rangers, set out toward Green River, and after riding nearly all night came upon an ox train moving westward. The captain, a man named Rankin, was told that he must "head about" and go the other way. "Where's your authority?" demanded Rankin. "Here's a part of it," answered Smith, pointing to the men behind him, "and the rest is out there in the brush." Rankin, after a strong protest, started eastward, but was met next day by Federal troops, who took out his lading, leaving the wagons and teams standing. Major Smith burned the next trains that he encountered—two commanded by Captain Dawson, and one by Captain Simpson. "For God's sake don't burn the trains!" pleaded Dawson. "It's for His sake that I'm going to burn them," said Smith, and forthwith the torch was applied. An Irishman called "Big Jim," the only non-"Mormon" among the rangers, was one of the torch wielders. Captain Simpson was out hunting cattle when the cavalry rode up and disarmed his teamsters. He was a brave man, and would have fought, had he not been at so great a disadvantage. Reluctantly he surrendered his pistols, and was allowed to keep two wagons loaded with provisions. The rangers helped themselves to

whatever they needed, and then rode away, "leaving the wagons all ablaze."*

The Motive Behind the Act.—Thus it was that Lot Smith burned the Government trains. The most daring part of the deed was the order directing it. If the people of Utah could be charged with treason and rebellion upon the rumored destruction of United States Court records, what would now be said and done, when Government property had actually been destroyed, and the proof of it was plain and unmistakable? Those responsible for the act were fully aware of the risk they were running. They were determined to have an investigation, and a leaf from the book of Absalom versus Joab (2 Samuel 14:29-33) made clear to them the most effective course to pursue.

Militia Officers Captured.—About the time that Lot Smith started upon his errand, one similar, though not so successful, was undertaken by Major Joseph Taylor, who was sent with forty or fifty men "to the Oregon road, near the bend of Bear River," to co-operate with Colonel Burton and further impede the progress of Government troops and trains. "Burn the whole country before them and on their flanks; keep them from sleeping by night surprises; blockade the roads by felling trees and destroying river fords; take no life, but destroy their trains, and stampede or drive away their animals at every opportunity." Such were the instructions that Major Taylor set out to execute. After passing Fort Bridger he separated from his command and returned to that post upon important business. Coming unexpectedly upon a body of United States troops—for the infantry were again on the march—he and his adjutant, William Stowell, were surrounded and captured. Taylor eventually escaped and rejoined his comrades, but Stowell remained a prisoner until the "war" was over.†

*The trains destroyed belonged to Russell and Waddell, Government contractors, and were loaded with subsistence stores for the army. The stores included clothing and provisions, such as ham, bacon, flour, crackers, beans, coffee, tea, sugar, vinegar, dried peaches, dessicated vegetables, molasses, soap and candles.

While the rangers were in camp, after burning the trains, one of their number, Orson P. Arnold, then a mere youth, was dangerously wounded by the accidental discharge of a rifle. The heavy ball passed through his thigh, breaking the bone in a dreadful manner. It was feared that Arnold would bleed to death; but the broken bone was set, the wound bandaged, and the youth placed upon an improvised litter of poles and blankets and carried, between two horses, a distance of thirty miles, to a place of safety.

†In a wallet found upon the person of Major Taylor when he was captured by the Federal troops, was an order signed by General Wells, the back of which bore the usual inscription, "Shed no blood." This order was taken to General Johnston, and was afterwards sent to Washington, where it figured in the Congressional debates of the next session.

Guerilla Tactics. — Meantime other militia commands were scouring the country along the route of the advancing army, annoying it every hour by threatened or actual raids. One cause of discomfiture to the troops was the absence of their cavalry, which was still far in the rear. The Utah rangers were well mounted, and had their own way with the half disheartened infantry. None of the shots fired at the rangers took effect.

An Attempted Detour.—Finding the direct route to Salt Lake Valley barred against him, Colonel Alexander attempted a detour toward Soda Springs, there to await milder weather; but the nimble rangers hung upon the flanks of his long and cumbersome column, keeping up their dispiriting guerilla warfare. At a certain place he expected to be joined by Colonel Smith with supply trains. But Smith did not come; he had not left South Pass, and with Colonel Cooke and the dragoons, still farther behind, was having a sad experience in the frost, snow, and biting blasts of that pitiless region. At length Alexander called a halt and convened a council of his officers. Some of them were in favor of forcing a passage through Echo Canyon, but cooler counsels prevailed. That it would be imprudent to proceed farther, was generally admitted, and matters now came to a standstill.

Colonel Alexander and Governor Young.—On the 12th of October Colonel Alexander wrote to Governor Young, complaining of the hostile reception given to United States troops on the threshold of the Territory, and of the methods by which his advance was being opposed. He declared that these acts constituted rebellion and hostility to the General Government. "It becomes you to look to the consequences," he added. That the Governor had been tampering with the mails, "intercepting public and private letters." was also intimated.

Governor Young, in reply, acknowledged that he had proclaimed martial law and called out the militia to enforce his proclamation, but denied that he had intercepted any letters. He reminded Colonel Alexander that the Government itself was responsible for the stopping of the mails. He justified the mode of warfare by which the citizens were defending their homes, and again commanded the troops to leave the Territory; offering to assist them to Fort Hall or some point within reach of supplies from the East. In conclusion the Governor invited the Colonel and his officers to visit Salt Lake City, without troops, promising them safe escort to and from the town, with courteous treatment during their stay.*

*In another letter, written two days earlier, Governor Young had said to Colonel Alexander: "If our real enemies, the mobocrats, priests, editors, and politicians, at whose instigation the present storm

General Johnston Arrives—"Forward to Fort Bridger."—It was not until the first week in November that General Johnston joined Colonel Alexander on Black's Fork. He was accompanied by Colonel Smith and his supply trains. Johnston was a great commander. He soon infused new life into the baffled and dispirited troops. Spurning the idea of departing a single point from the direct route through the mountains, he ordered a forward movement to Fort Bridger.

If Alexander's advance along Ham's Fork had been a march of discouragement, what shall be said of Johnston's procession of misery from Black's Fork to Fort Bridger? The distance was only thirty-five miles, but the country crossed was a frozen desert, swept by November's gelid blasts, with little or no forage for the famishing cattle, and no fuel except sagebrush and willows. Many of the poor beasts dropped dead as they wearily trudged along, or were frozen stiff during the awful nights that succeeded days of arduous toil. Five hundred head of cattle were driven off the night before the march began. Snow, sleet, and hail fell almost continuously, the thermometer showing at times sixteen degrees below zero. Some of the men were severely frost-bitten. Fifteen days were consumed in reaching the point where till recently had stood Fort Bridger. The fort itself was no more, having been burned, with Fort Supply, by the militia, who were slowly retiring before Johnston's advance, and concentrating behind the rocky ramparts of Echo Canyon.

Colonel Cooke and the Dragoons.—Colonel Cooke and his cavalry next came upon the scene. They had had a terrible experience in the storms at Devil's Gate and South Pass. Cooke brought one hundred and forty-four horses, and had lost nearly that number on the way.*

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has been gathered, had come against us, instead of you and your command, I should never have addressed them thus. They never would have been allowed to reach South Pass. * * * * With you, personally, we have no quarrel. * * * While I appreciate the unpleasantness of your position, * * * I feel it my duty, as do the people of the Territory universally, to resist to the utmost every attempt to encroach further upon their rights."

A similar correspondence passed between Captain R. B. Marcy, another of Johnston's officers, and Elder John Taylor, one of the Apostles of the "Mormon" Church.

*Said the Colonel in his report: "Most of the loss has occurred much this side of South Pass, in comparatively moderate weather. It has been of starvation; the earth has a no more lifeless, treeless, grassless desert; it contains scarcely a wolf to glut itself on the hundreds of dead and frozen animals which for thirty miles nearly block the road. With abandoned and shattered property, they mark perhaps beyond example in history, the steps of an advancing army with the horrors of a disastrous retreat." The report also stated that the thermometer one night marked twenty-five below zero, the cold being so intense that a bottle of sherry wine froze in a trunk.

Camp Scott and Eckelsville.—Owing to the severity of the weather, the project of pushing through the mountains that season was abandoned. The ruins of Fort Bridger were utilized for the storage of supplies, and the troops went into winter quarters on Black's Fork.* There arose Camp Scott, named as Camp Winfield had been, for the General-in-chief of the United States Army. Near by sprang up Eckelsville, called after Chief Justice Eckels, who, with Governor Cumming and other Federal officers, dwelt there during the winter. The Chief Justice, without waiting to qualify for the duties of the office, organized a court, with a grand jury of teamsters and camp followers, and had the leading men of Utah indicted for treason and rebellion.

Governor Cumming's Proclamation.—Governor Cumming, on the 21st of November, issued a proclamation to the people of the Territory, in which he said: "I come among you with no prejudice or enmities, and by the exercise of a just and firm administration I hope to command your confidence. Freedom of conscience and the use of your own peculiar mode of serving God are sacred rights, the exercise of which is guaranteed by the Constitution, and with which it is not the province of the Government or the disposition of its representatives in the Territory to interfere." He then directed all armed bodies to disband and return to their homes. Disobedience to this command, he stated, would "subject the offenders to the punishment due to traitors."

Attitude of the Militia.—The militia had not the slightest intention of disbanding at the dictum of the new Executive. They were defending their homes against the despoiler—that was their view of the case. General Johnston might threaten and Governor Cumming proclaim, Judge Eckels and his grand jury might grind out indictments, and the whole country boil, as it did, with indignation, both at the "Mormons" and at President Buchanan and his advisers, for creating such a situation; but the citizen soldiers, behind their breastworks, were resolved to oppose to the last any forward movement of the Federal army. Reinforcements from all over Utah hurried to the scene of the impending struggle—old men, young men, and

*From that point, Captain Marcy made a remarkable midwinter trip over the mountains to New Mexico, to secure horses and mules to replace those which had perished, and make it possible for the Expedition to move forward in the spring. He was accompanied by thirty-five volunteer companions. His Indian guides deserted him, fearing to brave the awful weather encountered, but the plucky captain and his gallant little band pushed on and succeeded in accomplishing their purpose. About 1,500 animals were secured, and with these Marcy and his comrades rejoined Johnston early in June, 1858.

boys—until the force confronting General Johnston was nearly twenty-five hundred strong, or about equal in number to the regular troops.

Suspension of Hostilities.—When it became evident that General Johnston did not intend to carry on a winter campaign, all further interference with the troops by the militia was forbidden. Some of the soldiers, captured by Colonel Thomas Callister, were released by order of Governor Young, who took additional steps to convince the authorities at Camp Scott that the people of Utah were waging, without malice, a purely defensive warfare. Hearing that the troops were in want of salt, Governor Young sent a wagon load of the article with his compliments to the post commander, informing him that if he feared anything deleterious in the salt, the messengers, Jesse Earl and Henry Woodward, would taste it in his presence. Johnston spurned the gift, desiring "no favors from traitors and rebels;" but the rejected salt, left outside the camp, was gladly used by the common soldiers, who purchased some of it from the Indians. A supply for the officers was procured with great difficulty from Fort Laramie.*

The Echo Canyon Guard.—About the first of December the militia began to return to their homes. A patrol of fifty men under Captain John R. Winder was left to guard Echo Canyon and its approaches. They kept strict watch upon the Government troops, and reported every movement to headquarters in Salt Lake City. Deserters from Camp Scott, both soldiers and teamsters, continued to pass down the canyon, some almost perishing with cold before reaching the militia outposts. By these and other means, Governor Young and his associates were kept informed regarding affairs east of the Wasatch Mountains.

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*Some of Johnston's officers were not averse to accepting favors from those whom he denominated "traitors and rebels." Colonel Alexander and Captain Marcy both received from the "Mormon" authorities at Salt Lake City copies of the Deseret News, which courtesies they gratefully acknowledged.

XV.

MEDIATION, PEACE AND PARDON.

1858.

Sentiment in the East.—In the East and especially at Washington, much anxiety prevailed relative to affairs in Utah. The Government was indignant over the disasters that had befallen the expedition, and must have winced under the goad of public censure, which was unsparingly applied. From all over the land hot denunciation was poured upon the "Mormons;" but leading newspapers on both sides of the Atlantic also criticized the course taken by the Administration. The Utah Expedition became known as "Buchanan's Blunder." During the winter, memorials from the Legislature and the citizens of the Territory, setting forth the true situation, were forwarded to the national capital.

More Troops for Utah.—The Government, however, did not recede. Congress, after much discussion, during which the Utah question was thoroughly ventilated, granted a request from the President for more troops and money to carry on the "war." Three thousand men, infantry, cavalry, and artillery, made ready to cross the Rocky Mountains and reinforce the army on Black's Fork. The estimated cost of this supplemental expedition was about five million dollars.

COLONEL KANE.

Colonel Kane the Mediator.—At this juncture Colonel Thomas L. Kane, that staunch friend to Utah, who had known her leading men upon the Iowa frontier, proceeded to Washington from his home in Philadelphia, and offered his services to the President as a mediator between the General Government and the people of this troubled Territory. Governor Young had previously communicated with Colonel Kane, explaining his motive in declaring martial law and opposing the advance of the Federal

troops. It had been done, he said, to bring about an investigation, and the Colonel was requested to convey this information to the President. Samuel W. Richards was Governor Young's messenger to Colonel Kane. The latter's offer of mediation was accepted by the head of the Nation.*

Colonel Kane was in delicate health, and his diplomatic mission was one of exceeding difficulty. Few men at that time could have undertaken such an errand with any prospect of success. Traveling incognito and sailing from New York early in January 1858, he crossed the Isthmus, landed on the California coast, and proceeded by the southern route to Utah, arriving at Salt Lake City on the 25th of February. From San Bernardino he had as a traveling companion Joseph S. Tanner, a prominent citizen of Payson.

At Salt Lake City.—Though introduced to the "Mormon" leaders as "Doctor Osborne"—that being the name he had assumed—Colonel Kane was immediately recognized and gladly welcomed by the men who had known him in earlier years. A private interview followed between him and President Young. At its conclusion the two returned into the presence of "The Council," whose members were informed by Colonel Kane that Utah had a good friend in Captain Van Vliet who, leaving Salt Lake City in company with Delegate Bernhisel, had visited Washington and used his influence in favor of the Territory and its people. The Delegate had met with a slight show of opposition, but had been permitted to take his seat, notwithstanding the strained relations between Utah and the General Government.

At Camp Scott.—After resting a few days at the capital, Colonel Kane set out for Black's Fork, to confer with Governor Cumming upon a subject previously discussed with the leading men at Salt Lake City. They were willing to receive the new civic officers and give them a hearty welcome, if they would come in without the army. Colonel Kane bore this message to Camp Scott, distant one hundred and thirteen miles, with deep snow all the way. He arrived there on the 12th of March. Dismissing his escort outside the Federal lines, he was about to enter them, when he was challenged and fired upon by an over-zealous sentry, who received in return a blow on the head from the Colonel's gun stock. Surrounded in a

*President Buchanan in his next message to Congress said: "I cannot refrain from mentioning the valuable services of Colonel Thomas L. Kane, who, from motives of pure benevolence, and without any official character or pecuniary compensation, visited Utah during the last inclement winter for the purpose of contributing to the pacification of the Territory."

moment by soldiers, all greatly excited, he coolly requested to be conducted to the presence of Governor Cumming.

The Governor greeted him cordially, and was soon convinced of the wisdom and propriety of the course that he advised. He agreed to place himself under the guidance of Colonel Kane and go with him, unaccompanied by troops, to the Utah capital. General Johnston strongly opposed this step and endeavored to dissuade the Governor from his purpose, but the latter remained firm. His attitude at that time was the beginning of a breach between him and the military commander. The other civic officers decided to remain at Camp Scott.

Almost a Duel.—As for Colonel Kane, a duel between him and General Johnston was barely averted. The General, affecting to regard the Colonel as a spy, sent an orderly to arrest him, whereupon Governor Cumming, insulted at the indignity offered his guest, demanded an explanation. Johnston declared that a mistake had been made by his messenger, the supposed order of arrest being in reality an invitation to dinner. Colonel Kane, unconvinced, sent a challenge, which the commander would have accepted, it is said, had he not feared dismissal from the service. Through the influence of Chief Justice Eckels, the "affair of honor" terminated without a meeting.*

Governor Cumming to the Capital.—On the fifth of April, Governor Cumming, with Colonel Kane and two servants, set out for Salt Lake City. They were met on the way by General William H. Kimball, at the head of a company of cavalry, and escorted through Echo and Weber canyons. Part of the journey was in the night time, and the hills on either side were bright with bonfires, kindled by the handful of guards patroling the passes. They were instructed to have some of their number march round and round the fires, with a view to creating the impression that the canyon was alive with armed men. Every few rods the Governor's carriage was stopped by a demand for the countersign. This being given, apparently to some sentry by the wayside, but in reality to one from another of the Governor's escort, the vehicle was allowed to proceed. This ruse was expected to convince his Excellency, who would of course inform General Johnston, that the little force at Camp Scott was altogether unequal to the mighty host confronting him, and that he had done a wise thing in not attempting to force a passage through the mountains. At Ogden, for a

*The duel incident, and that of the over-zealous sentry, are related by Edward W. Tullidge in his Life of Brigham Young (p. 292) and in his History of Salt Lake City (p. 205).

similar reason, the Governor was treated to a display of expert horsemanship by George Bartholomew, a circus rider, who, with a trick pony, went through some wonderful performances, which were palmed off upon his Excellency as a sample of the ordinary evolutions of the militia cavalry.

A Cordial Reception.—Near the Warm Springs, Mayor Smoot and other municipal officers received Governor Cumming and conducted him to lodgings previously prepared for his accommodation. He was received into the hospitable home of William C. Staines, the Territorial Librarian. President Brigham Young called upon him, and during repeated interviews offered him "every facility that he might require for the efficient performance of his administrative duties." Governor Cumming so stated in a letter to General Johnston, written ten days after leaving Camp Scott. In the same letter its writer said: "I have been everywhere recognized as Governor of Utah; and so far from having encountered insults or indignities, I am gratified in being able to state to you, that in passing through the settlements I have been universally greeted with such respectful attentions as are due to the representative authority of the United States in the Territory."

GOVERNOR CUMMING.

Records Found Intact.—Governor Cumming, on the second day of May, sent a report to the Secretary of State, Lewis M. Cass, informing him that he had examined the records of the Supreme Court and of the District Courts in Utah, and had found them "perfect and unimpaired." He also reported that the Legislative records and other books belonging to the Secretary of State were in perfect preservation, and that the Territorial Library had been kept by Mr. Staines in excellent condition.

And here the bubble burst! The "Gentile" Governor of Utah, in thus reporting the facts, gave a complete refutation of the flagrant falsehood invented by Judge Drummond and sworn to by Judge Stiles, charging that those records had been destroyed.

At the Tabernacle.—The same report described a Sabbath

meeting at the Old Tabernacle, where Governor Cumming was introduced by President Young and invited to address the congregation. What follows within quotation marks is the Governor's own language:

"They listened respectfully to all I had to say—approvingly even, I fancied—when I explained to them what I intended should be the character of my administration." Afterwards, "several powerful speakers" followed in succession, referring among other things to the military posse and its purposes. "At the bare mention of the troops a scene of wild uproar ensued, the congregation joining with the speakers in a thundrous protest against the coming of the army; more frenzy than I had expected to witness among a people who habitually exercise great self-control." "I informed them that they were entitled to a trial by their peers; that I had no intention of stationing the army in immediate contact with their settlements, and that the military posse would not be resorted to until other means of arrest had been tried and failed. I found the greatest difficulty in explaining these points, so great was the excitement. Eventually, however, the efforts of Brigham Young were successful in calming the tumult." "More than one speaker has since expressed his regret at having been betrayed into intemperance of language in my presence."—"The President and the American people will learn with gratification the auspicious issue of our difficulties here."

Another "Mormon" Exodus.—The trouble, however, was not yet over, as the Governor's report went on to show. Said he:

"I regret the necessity which compels me to mingle with my congratulations the announcement of a fact that will occasion great concern. The people, including the inhabitants of Salt Lake City, are moving from every settlement in the northern part of the Territory. The roads are everywhere filled with wagons loaded with provisions and household furniture, the women and children often without shoes or hats, driving their flocks they know not where. They seem not only resigned but cheerful. 'It is the will of the Lord,' and they rejoice to exchange the comforts of home for the trials of the wilderness. Their ultimate destination is not, I presume, definitely fixed upon. 'Going south,' seems sufficiently definite for the most of them, but many believe that their ultimate destination is Sonora.*

"Young, Kimball, and most of the influential men have left their commodious mansions, without apparent regret, to lengthen the long train of wanderers. The masses everywhere announce to me that the torch will be applied to every house indiscriminately throughout the country, so soon as the troops attempt to cross the mountains. I shall follow these people and try to rally them.

"Our military force could overwhelm most of these poor people, involving men, women, and children in a common fate; but there are among the 'Mormons' many brave men, accustomed to arms and horses; men who could fight desperately as guerillas; and who, if the settlements are destroyed, will subject the country to an expensive and protracted war, without any compensating results. They will, I

*Sonora at that time was Northern Mexico, including Arizona, as far northward as the present city of Tucson.

am sure, submit to 'trial by their peers,' but they will not brook the idea of trials by 'juries' composed of 'teamsters and followers of the camp,' nor of an army encamped in their cities or dense settlements. I have adopted means to recall the few 'Mormons' remaining in arms, who have not yet, it is said, complied with my request to withdraw from the canyons and eastern frontiers. I have also taken measures to protect the buildings which have been vacated in the northern settlements. I am sanguine that I will save a great part of the valuable improvements there.

"I shall leave this city for the south tomorrow. After I have finished my business there, I shall return as soon as possible to the army, to complete the arrangements which will enable me before long, I trust, to announce that the road between California and Missouri may be traveled with perfect security by trains and emigrants of every description. I shall restrain all operations of the military for the present, which will probably enable me to receive from the President additional instructions, if he deems it necessary to give them."

It was even as Governor Cumming reported. Finding that the Federal Government was determined to quarter its troops within the Territory, and having no faith in the assurance that their rights would be respected by the military, the people of Utah had resolved upon another exodus. Men, women, and children had abandoned their homes and were moving southward, leaving behind them only a sufficient number of guards to set fire to houses, orchards and farms, if a door latch should be lifted or a gate swung open by hostile hand.

Brigham Young had said to Captain Van Vliet, when the latter declared that the Government would send enough troops to overcome all opposition, "We are aware that such will be the case, but when those troops arrive they will find Utah a desert." He was now preparing to make good his word. The army might force its way through the mountains, but when it reached "Zion," it would find "a desolation," "a city not inhabited." The "fruitful field" would be turned into a "desert," the land of smiling orchards into a burnt and blackened waste.

Meaning of "The Move."—Possibly the "Mormon" leader had another purpose in view. While sternly resolved, if pushed to extremes, to "utterly lay waste the land," he may have had in mind the trial of a great moral experiment. A consummate strategist, he knew that the movement then in progress was the best possible method of attracting toward Utah the gaze of the civilized world, and of turning the fickle tide of public opinion in favor of the fugitive people. The burning of the supply trains had brought Colonel Kane, who was now on his way back to Washington to report the success of his mediating mission. "The Move," as the new exodus was called, might be depended upon to induce the Government to fully investigate the Utah situation. If this hope failed, the worst was foreseen and provided against.

Press Comments.—The New York Times expressed itself upon the subject thus:

"Whatever our opinions may be of Mormon morals or Mormon manners, there can be no question that this voluntary abandonment by forty thousand people, of homes created by wonderful industry in the midst of trackless wastes, after years of hardships and persecution, is something from which no one who has a particle of sympathy with pluck, fortitude, and constancy can withhold his admiration. Right or wrong, sincerity thus attested is not a thing to be sneered at. True or false, a faith to which so many men and women prove their loyalty by such sacrifices, is a force in the world. After this last demonstration of what fanaticism can do, we think it would be unwise to treat Mormonism as a nuisance to be abated by a posse comitatus. It is no longer a social excrescence to be cut off by the sword; it is a power to be combatted only by the most skillful, political and moral treatment. When people abandon their homes to plunge with women and children into the wilderness, to seek new settlements, they know not where, they give a higher proof of courage than if they fought for them. When the Dutch submerged Holland to save it from invaders, they had heartier plaudits showered upon them than if they had fertilized its soil with their blood. We have certainly the satisfaction of knowing that we have to deal with foemen worthy of our steel.

"Were we not guilty of culpable oversight in confounding their persistent devotion with the insubordination of ribald license, and applying to the one the same harsh treatment which the law intends for the latter alone? Was it right to send troops composed of the wildest and most rebellious men of the community, commanded by men like Harney and Johnston, to deal out fire and sword upon a people, whose faults even were the result of honest religious convictions? Was it right to allow Johnston to address letters to Brigham Young, and through him to his people, couched in the tone of an implacable conqueror toward ruthless savages? * * * We stand on the vantage ground of higher knowledge, purer faith, and acknowledged strength. We can afford to be merciful. At all events the world looks to us for an example of political wisdom such as few people, nowadays, are called on to display."*

The Stephen A. Douglas Speech.—The New York paper's editorial utterances were a reminder of, perhaps a reply to, Senator Stephen A. Douglas who, at Springfield, Illinois, June 12, 1857, had delivered a political speech wherein he referred to rumors then afloat that the "Mormons," "bound by horrible oaths and terrible penalties to recognize and maintain the authority of Brigham Young and the Government of which he is head as paramount to that of the United States in civil as

*The London Times used this language in commenting upon the fugitive "Mormons:" "There is much that is noble in their devotion to their delusions. They step into the waves of the Great Basin with as much reliance on their leader as the descendants of Jacob felt when they stepped between the walls of water in the Red Sea. The ancient world had individual Curiatii, Horatii, and other examples of heroism and devotion; but these western peasants seem to be a *nation* of heroes, ready to sacrifice everything rather than surrender one of their wives, or a letter from Joe Smith's golden plates."

well as in religious affairs," would in due time, under the direction of their leaders, use all the means in their power to subvert the Federal Government. The "Mormons," he said, were reported to be forming alliances with Indian tribes, and organizing bands of "Danites" or "Destroying Angels," to prosecute a system of robbery and murder upon American citizens who supported the authority of the United States and denounced "the infamous and disgusting practices and institutions of the Mormon government." Basing his remarks upon these rumors, Douglas said: "Should such a state of things actually exist as we are led to infer from the reports, and such information come in official shape, the knife must be applied to this pestiferous and disgusting cancer, which is gnawing into the very vitals of the body politic. It must be cut out by the roots, and seared over with the red hot iron of stern and unflinching law."*

Mrs. Cumming Pleads for the People.—Governor Cumming did not succeed in persuading the "Mormon" people to remain in their homes. Returning from Camp Scott, whither he had gone about the middle of May to bring his wife to Salt Lake City, he found the place almost deserted. In the gardens were heaped bundles of straw and other combustibles; every preparation having been made for the burning. Mrs. Cumming was so affected by the sight that she burst into tears, expressing deep sympathy for the homeless wanderers. She entreated her husband not to allow the army to remain in the city, and begged him to do something to bring the people back. "Rest assured, madam," said the kind-hearted old Governor, "I shall do all I can. I only wish I could be in Washington for two hours; I am sure I could convince the Government that we have no need for troops."

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*Judge Douglas, in Illinois, had been on very friendly terms with the "Mormon" people, and it was partly through their political influence that he became a United States Senator. In conversation with Joseph Smith, between whom and "The Little Giant" there existed the most cordial relations, the latter was told that he would yet aspire to be President of the United States, but that if he ever used his influence to injure the Latter-day Saints, the hand of God would be against him. After the Springfield speech this prophecy was published in the Deseret News, and its fulfillment was confidently looked for in Utah. In 1860 Stephen A. Douglas became the Democratic candidate for President, and was overwhelmingly defeated by Abraham Lincoln, the standard-bearer of the Republicans.

The Douglas speech was regarded as a Democratic attempt to rival the bid for popularity made by the Republican party, which, at its inception in 1856, had pledged itself to the extirpation of "slavery and polygamy," as "twin relics of barbarism." John C. Fremont, a pronounced Anti-Mormon, was then the Republican candidate for President.

The President Congratulates Congress.—President Buchanan, on receiving from Secretary Cass the report of Governor Cumming, addressed a communication to Congress, congratulating the Senators and Representatives upon the prospective termination of the Utah troubles. He expressed the opinion that there would be no occasion to make any further appropriations for the purpose of quelling disturbances in this Territory.

The Peace Commission.—Peace Commissioners were sent by the President to confer with the "Mormon" leaders and offer a free pardon to all persons who would manifest their loyalty to the Government. The Commissioners were Governor L. W. Powell of Kentucky and Major Ben McCulloch of Texas. Leaving Fort Leavenworth late in April, 1858, they made their way to Camp Scott, and early in June arrived at Salt Lake City. Jacob Forney, Indian Superintendent for Utah, came with them. These officials and Governor Cumming, met with Brigham Young and other prominent men, who had returned from the south for that purpose. At the meetings, which were held in the Council House, June 11th and 12th, the existing troubles, with the proposed pardon, were plainly and thoroughly discussed. The Commissioners were urged by the "Mormon" leaders to investigate the charges which had formed the ostensible basis for the Government's military expedition, but they declined to do so, holding that they were not there to inquire into and adjudicate past issues, but to deal with present conditions and present the conditional offer of amnesty. President Young and his associates denied that they had ever been disloyal, and disputed the truth of the accusation that they had driven away Federal officers or prevented any civic officer from entering the Territory. They accepted, however, for themselves and for their people, the proffered pardon for such overt acts as the burning of the supply trains and the running off of the army cattle. Moreover, they agreed not to oppose Johnston's march through Salt Lake City, provided he would not quarter his troops within forty miles of the town. The date of President Buchanan's pardon was April 6, 1858.

General Johnston's Proclamation.—At the close of the conference the Commissioners addressed an epistle to General Johnston, informing him of what had been said and done, and advising him to publicly proclaim that the army would not trespass upon the rights or property of peaceable citizens. Johnston, who was then advancing, replied from his camp on Bear River, expressing surprise at the uneasiness felt, and adding that if no obstructions were presented to the discharge

of his duties in execution of orders from the War Department, there need be no apprehension that any person would have cause for complaint. He issued the desired proclamation, however, giving assurance that no one would be molested in person, in rights, or in the peaceful pursuit of his avocations.

The People Hesitate.—Most of the people who had gone south were at Provo or in other parts of Utah County. Some had reached Fillmore and points beyond.* Governor Cumming and the Peace Commissioners followed the fugitives as far as Provo, entreating them to return and pledging them complete protection. Still the people hesitated. They were waiting to see how the troops would conduct themselves.

Federal Troops Pass Through Salt Lake City.—On the 26th of June, General Johnston at the head of his little army descended Emigration Canyon and entered Salt Lake Valley. Passing through the all but deserted city, he crossed the Jordan River and encamped about two miles from the center of the town. Some of his officers and men were profoundly moved by what they beheld as they rode through the silent streets. Colonel Cooke, it is said, bared his head in honor of the brave men whom he had formerly led in their country's cause against Mexico. The troops preserved excellent order, and true to the pledge given by their commander, molested neither person nor property. They remained upon the Jordan three days, and then marched to Cedar Valley, thirty-six miles southward, where they founded Camp Floyd, so named after the Secretary of War.

End of the Episode.—About the last of June the people who had left their homes began to return to them, and the deserted towns and villages were again inhabited. Governor Cumming proclaimed peace, based upon the acceptance of the President's pardon, and so ended the Echo Canyon War.

*The press of the Deseret News was taken to Fillmore, and several numbers of the paper were issued there; Albert Carrington being editor. Willard Richards, the first editor of the News, had died March 11, 1854.

XVI.

CAMP FLOYD TIMES.

1858-1861

How Johnston's Army Affected Utah.—Johnston's army proved both a benefit and a detriment to Utah. The founding of Camp Floyd furnished employment to masons, carpenters, and other workmen, who built the Government barracks in Cedar Valley; and it also provided a near and ready market for the products of farm, ranch and dairy. Opportunities to profit by the presence of the troops were not lost sight of by enterprising settlers; contractors and merchants especially taking advantage of the commercial chance afforded. Suspension of travel over the plains, with the consequent breaking up of local business houses, had deprived the people of many comforts, which were now obtainable. In exchange for flour, grain, beef, butter, eggs, poultry, and dried fruits, they received cash, groceries, clothing, and other necessaries. In a material way the community was greatly benefited.

On the other hand various evils were introduced, traceable mainly to the camp followers who came with the troops. General Johnston's strict discipline could not always hold in check the unruly spirits included in or connected with his command. Discharged teamsters and other ex-employes from the military post were a source of much trouble to the community. Rough characters flocked in from East and West, and vices hitherto unfamiliar in Utah began to flourish, in spite of law, public sentiment, and a continually augmenting police force. Now and then a reputable citizen would fall beneath the knife or bullet of a drink-crazed desperado, but more frequently the ruffians slew each other, in which event the mourning was not widespread. Some of the evil was directly chargeable to officers and soldiers at Camp Floyd. More than one unfortunate woman dated her ruin from the hour she formed acquaintance with such characters. The Indians in that vicinity became woefully corrupt as a result of their proximity to the garrison.*

*Governor Cumming, in a report to the Secretary of State, drew the following character portrait of the people of Utah at that time:

"Persons unbiased by prejudice who have visited this Territory will, I think, agree in the opinion that a community is seldom seen more marked by quiet and peaceable diligence than that of the Mormons.

"After the passage of the army, hundreds of adventurers were attracted to these valleys, and met here some congenial spirits.

The Spencer-Pike Homicide.—There was some friction between civilians and soldiers. One of the tragic events of the time was the killing of Sergeant Ralph Pike by Howard Spencer, in retaliation for an assault committed by the former upon the latter. Pike was a young man, Spencer little more than a boy, and Rush Valley, west of Camp Floyd, the scene of the provocation. In the northern part of that valley, near the line of the Government reserve taken possession of by General Johnston, the Spencer-Little Ranch was located. To that place the Sergeant, with a squad of soldiers, came one evening (March 22, 1859) and ordered Spencer to move his cattle off some land where the men from camp purposed mowing hay. Receiving the reply that it was too dark to collect the cattle, and that they would not be moved till morning, Pike, with his gun barrel, struck Spencer a fearful blow on the head, inflicting an almost fatal wound. Recovering after many weeks, but never entirely regaining himself physically or mentally, the victim of the assault met and shot his assailant, who had come from Camp Floyd to Salt Lake City to answer for his offense in the District Court. The shooting took place on Main Street, August 11th, in the presence of a military guard, with officers, from the post. Spencer succeeded in escaping. Pike was carried into the Salt Lake House, where a few days later he died.*

The Cedar Fort Raid.—Spencer being a "Mormon," some of the Camp Floyd soldiers, in revenge for the loss of their comrade, made a raid, the night after Pike's death, upon Cedar Fort, a little settlement six miles north of the post. They set fire to haystacks and sheds, and shot at those who tried to extinguish the flames. Fortunately nobody was hurt, though the whole village was terrorized. A committee of citizens reported the affair to General Johnston, who offered to send a guard to protect the settlement. He declared, however, that

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Banded together for rapine and acts of violence, they have stolen large herds of horses and mules. Many of these men, maddened by intemperance, or rendered desperate by losses at the gaming table, or by various other causes, have shed each other's blood in frequent conflicts, and secret assassinations. These lawless and bloody deeds are committed by them almost daily with impunity, and when their atrocity and frequency shock the public mind, it has become the custom with a certain set of people to exclaim against the people of Utah; but it is an injustice to impute the acts of these desperadoes to the community in general. With an equal show of justice might they be attributed to the inhabitants of the States and Territories whence these men have so recently emigrated."

*The Salt Lake House, Utah's principal hotel at that time, stood on the east side of Main Street, about midway between First and Second South streets.

he could not control the soldiers while Spencer was at large.*

New Federal Officers.—Soon after Governor Cumming was installed, the Federal Judges who had come with, or immediately followed, the troops, were assigned to their respective districts, and the machinery of the courts was set in motion. Chief Justice D. R. Eckels, having qualified by taking the oath of office before Probate Judge Elias Smith, July 19, 1858, took up his residence at Camp Floyd. In the autumn of that year Associate Justice Charles E. Sinclair opened court at Salt Lake City. The other Judge, John Cradlebaugh, had not then arrived. The remaining Federal officers were John Hartnett, Secretary; Alexander Wilson, United States Attorney; Peter K. Dotson, United States Marshal; and Jacob Forney, Superintendent of Indian Affairs. The last-named office had been separated from that of Governor. All the new appointees were "Gentiles," and, with the single exception of Marshal Dotson, non-residents of Utah.

Judge Sinclair and Attorney Wilson.—The first move on the judicial chessboard was not reassuring to the people who had abandoned their exodus and returned to their homes, relying upon the promises made to them that the amnesty extended by President Buchanan would be held sacred. In charging the Grand Jury of his court, Judge Sinclair urged them to indict Ex-Governor Young, General Wells, and other leading citizens for treason. He held that the President's pardon, while "a public act in the history of the country," "ought to be brought judicially by plea, motion, or otherwise."†

The United States Attorney, Mr. Wilson, refused to reopen the wound that was then healing. He would not present bills for indictments for treason, taking the ground that the Echo Canyon incident was closed; the President's pardon having been presented by the Commissioners, and accepted by the people, whereupon Governor Cumming had proclaimed peace. Mr. Wilson was commended by the Authorities at Washington for his stand upon this question.

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*Pike had reported that Spencer assaulted him with a pitchfork, whereupon he "broke his head in self-defense." Spencer's friends denied the truth of this statement, affirming that the pitchfork, which was in Spencer's hands when Pike struck him, was interposed in an attempt to break the force of the blow from the Sergeant's gun barrel.

Many years later, Howard Spencer surrendered to the law, and was tried for murder in the District Court at Salt Lake City. A mixed jury of "Mormons" and "Gentiles" pronounced him not guilty.

†Says Mr. Stenhouse, whom I also quote above: "He [Sinclair] wanted to bring before his court Brigham Young and the leading Mormons, to make them admit that they had been guilty of treason and humbly accept from him the President's clemency." (Rocky Mountain Saints, page 402.)

Judge Eckels, while at Camp Scott, had called the attention of his Grand Jury to the existence of polygamy in Utah, and had expressed the belief that legal indictments might be found upon that score. Polygamy, he said, was prohibited by the law of Mexico, and that law was not changed, so far as he could learn, by the cession of this region to the United States.* Moreover, he held that polygamy might be punished as adultery under the law of the Territory.† Judge Sinclair also mentioned the subject of polygamy to the Grand Jury of his court, but does not seem to have been as confident as the Chief Justice that it could be punished in the manner suggested. At all events he did not demand any polygamy indictments, nor were any returned by the Grand Jury.

General Ferguson's Case.—General James Ferguson was indicted on a charge of intimidation, he being one of the attorneys accused of threatening Judge Stiles in the District Court at Salt Lake City; an act cited to sustain the theory of an insurrection and justify the sending of troops to Utah. The other accused attorneys were Jesse C. Little and Hosea Stout. The charges against them were dismissed. General Ferguson was tried before a jury of "Mormons" and "Gentiles" and acquitted. An outgrowth of the same incident was an effort by D. H. Burr, a "Gentile" lawyer, to have General Ferguson disbarred; but nothing came of it, the case being taken out of court by the prosecuting witness.

Sentenced to Die on Sunday.—Judge Sinclair's course in Utah was unsatisfactory to all parties. According to Mr. Stenhouse, it was "only memorable for one thing—he sentenced the first white man that was ever hanged in Utah to be executed on a Sunday! Of course the day had to be changed." The man sentenced was Thomas H. Ferguson, who had shot and killed his employer, Alexander Carpenter. Both were

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*Says B. H. Roberts upon this point: "It is quite evident, however, that neither the jurists nor the legislators of the United States regarded this reasoning as sound, * * * since before attempting any action against the plural marriage relations countenanced by the "Mormon" Church, they considered special enactments of Congress for the Territories necessary; and at no time invoked either the old Spanish law or the common law against this institution of marriage. Besides, had either the common or old Spanish law been invoked against the plural marriage features of the "Mormon" system, the question would still remain as to whether the 'bigamy' or 'polygamy' of those laws described the 'plural wife system'." (History of the Mormon Church, "Americana" for October, 1913, pp. 943-944. Note.)

†Attempts were made in after years, and under the local laws, to punish polygamy or plural marriage as adultery; but those attempts were unsuccessful.

non-"Mormons." The killing took place September 17, and the execution October 28, 1859.*

Judge Cradlebaugh.—What threatened to be a serious clash between the civil and the military powers arrayed Governor Cumming, with the citizens, on one hand, and the Federal Judges, with General Johnston and the troops, on the other. It occurred in the spring of 1859. Judge Cradlebaugh had arrived in Utah during the previous November, but did not begin judicial proceedings until March. The seat of his district was Fillmore, but he opened court at Provo, and summoned to his assistance several companies of soldiers from Camp Floyd.

Judge Cradlebaugh proposed to investigate the Mountain Meadows Massacre; also what are known as "the Springville murders"—the killing, in March, 1857, of William R. Parrish, his son Beason, and G. G. Potter, by persons unknown. Expecting opposition, the Judge deemed the presence of the troops necessary for his protection and that of jurors and witnesses. His evident purpose was to fasten guilty responsibility upon the "Mormon" Church. In charging the Grand Jury, he virtually accused the Church authorities of directing those crimes, and the Utah Legislature with having enacted laws to prevent the judiciary from bringing such offenders to justice.†

Military Versus Civil Authority.—In response to the judicial summons, which was promptly honored by the post commander, a company of infantry under Captain Heth surrounded and took possession of the Provo Seminary, in which building the court was held. Subsequently eight additional companies of infantry, one of artillery, and one of cavalry, under Major Paul, were stationed within sight of that building. Against this action, Mayor Bullock and the City Council, with other citizens, protested, but their protest was unheeded by Judge Cradlebaugh. They therefore appealed to Governor Cumming, who requested General Johnston to withdraw the troops. The commander refused to comply with this request, and the Governor then issued a proclamation,

*The condemned man, in his speech from the scaffold, declared that the Judge was drunk when he sentenced him to die on the Sabbath day. This may or may not have been the case. It is a fact, however, that Judge Sinclair was notoriously intemperate, often under the influence of liquor even while on the bench.

†Said Judge Cradlebaugh: "They have provided the probate courts with criminal jurisdiction, and it would seem that the whole machinery was made so that they should be brought before that court and tried; and the fact that there is no additional legislation to provide for bringing them before this court proves that it was done to prevent."

setting forth the facts, and protesting against the military movement. It had been made, he said, without consultation with him, and was in opposition to the letter and spirit of his instructions from the Government. He stated that it had a tendency to terrify the inhabitants and disturb the peace of the Territory, also to subvert the ends of justice by intimidating witnesses and jurors.*

Judge versus Grand Jury.—After a heated wrangle with the Grand Jury, which had failed to find the indictments that he most desired, Judge Cradlebaugh summarily dismissed that body and adjourned his court. He caused to be entered upon the docket these words: "The whole community presents a united and organized opposition to the administration of justice."†

The Grand Jury protested against its untimely and dishonorable discharge. In their published protest the jurors stated that they were surrounded, during their deliberations, by a detachment of the army, and that army officers were quartered within hearing of the evidence of witnesses who were being examined in the jury room. They had, however, presented indictments for offenses against the laws of the United States, but these had been treated with contempt and the prisoners liberated without trial. Witnesses subpoenaed by the Grand Jury had been treacherously arrested, and the

*Governor Cumming annexed to his proclamation the following extract from the instructions received by him for his guidance while Governor of Utah: "It is your duty to take care that the laws are faithfully executed, and to maintain the peace and good order of the Territory, and also to support by your power and authority the civil officers in the performance of their duties. If these officers, when thus engaged, are forcibly opposed, or have just reason to expect opposition, they have a right to call such portions of the posse comitatus to their aid as they may deem necessary. If circumstances should lead you to believe that the ordinary force at the disposal of such officers will be insufficient to overcome any resistance that may be reasonably anticipated, then you are authorized to call for such number of the troops as the occasion may require, who will act as a posse comitatus, and while thus employed they will be under the direction of the proper civil officer, and act in conformity with the instructions you may give as the Chief Executive Magistrate of the Territory."

†Following is a portion of Judge Cradlebaugh's address to the Grand Jury: "If it be expected that this court is to be used by the community as a means of protecting it against the peccadilloes of Gentiles and Indians, unless the community will punish its own murderers, such expectation will not be realized. When this people come to their reason, and manifest a disposition to punish their own high offenders, it will then be time to enforce the law also for their protection. If this court cannot bring you to a proper sense of your duty, it can at least turn the savages in custody loose upon you." Forthwith the prisoners were set free. Two of them were Indians, charged with an atrocious crime.

jury deprived of their evidence. Yet notwithstanding they were thus trammeled by the court, they had honored their oath, and were endeavoring to faithfully discharge their duties, when they "were dismissed by his honor with a slanderous and insulting harangue."

Attempt to Arrest President Young.—The next exciting incident was the attempted arrest of President Brigham Young, who had been accused of complicity in an act of counterfeiting. The real criminals were men from Camp Floyd, who had employed a young engraver at Salt Lake City to duplicate certain plates used by the post quartermaster for notes drawn upon the Assistant United States Treasurers in St. Louis and New York. The fraud being discovered, the principal offender, one Brewer, turned state's evidence, shifting the blame from his own shoulders to those of the engraver, who was comparatively innocent. The military authorities were confident that they also had a case against President Young, and some of them were jubilant at the prospect.

Governor Cumming Interposes.—The necessary writs having been issued, officers from Camp Floyd called upon Governor Cumming to solicit his co-operation. To the arrest of the maker of the plates the Governor offered no objection —he even helped to procure it, and due punishment followed· but he refused to encourage or permit the arrest of President Young, the charge against him being absolutely groundless.*

It was now rumored that General Johnston would send two regiments, with artillery, to enforce the writ of arrest against the "Mormon" leader. A breach was to be made in the stone wall surrounding his premises, and he would then be taken by force and carried to Camp Floyd. Governor Cumming informed General Wells of this report, and directed him to hold the militia in readiness to repel any such assault. But the regiments did not come.

Judge Cradlebaugh and Superintendent Forney.—Judge Cradlebaugh, after adjourning court in the summary manner described, visited Southern Utah, accompanied by a United States deputy marshal and a detachment of Camp Floyd troops under Captain Campbell. They collected all the infor-

*It transpired that someone in the President's Office had furnished the paper for the counterfeit notes, and the young engraver, who was a "Mormon," had previously done work on the plates for the Deseret Currency. This was the extent of the so-called "complicity." U. S. Marshal Dotson seized the Deseret Currency plates, mistaking them for counterfeiting accessories. Discovering his error, he returned the plates, though in a ruined condition, and subsequent legal proceedings compelled him to pay damages in the sum of $2,600. The young engraver, pardoned out of the Penitentiary, redeemed himself by a career of strict probity.

mation possible respecting the Mountain Meadows tragedy, which the Judge was still determined to place to the account of the leaders of the "Mormon" Church. His zeal in that direction, and that of the military authorities in the counterfeiting complicity case, caused Superintendent Forney to remark in a report to the United States Commissioner of Indian Affairs: "I fear, and I regret to say, that with certain parties here there is a greater anxiety to connect Brigham Young and other Church dignitaries with every criminal offense, than diligent endeavor to punish the actual perpetrators of crime." Mr. Forney had also been through Southern Utah, and had gathered up the survivors of the Massacre—seventeen small children—that they might be returned to their friends in Arkansas. The report above cited was made in August, 1859.*

Attorney-General Black to the Utah Judges.—Meanwhile an important message had arrived from Washington. It was

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*Many years later, when the War Department was being urged by Federal officers in Utah (Judge Hawley and Governor Woods) to establish a military post near Beaver, the seat of the Second District Court, President Young wrote to Secretary Belknap as follows:

"In 1858, when Alfred Cumming was Governor of Utah Territory, I pledged myself to lend him and the court every assistance in my power, in men and means, to thoroughly investigate the Mountain Meadows Massacre, and bring, if possible, the guilty parties to justice. That offer I have made again and again, and although it has not yet been accepted I have neither doubt nor fear that the perpetrators of that tragedy will meet their just reward. But sending an armed force is not the means of furthering the ends of justice, although it may serve an excellent purpose in exciting popular clamor against the Mormons.

"In 1859, Judge Cradlebaugh employed a military force to attempt the arrest of those alleged criminals. He engaged in all about four hundred men, some of whom were civilians, reputed gamblers, thieves, and other camp followers, who were doubtless intended for jurors (as his associate, Judge Eckels, had just done in another district); but these accomplished absolutely nothing further than plundering hen roosts, and rendering themselves obnoxious to the citizens on their line of march. Had Judge Cradlebaugh, instead of peremptorily dismissing his grand jury and calling for that military posse, allowed the investigation into the Mountain Meadows Massacre to proceed, I have the authority of Mr. Wilson, U. S. Prosecuting Attorney, for saying the investigation was proceeding satisfactorily; and I firmly believe, if the county sheriffs, whose legal duty it was to make arrests, had been lawfully directed to serve the processes, that they would have performed their duty and the accused would have been brought to trial. Instead of honoring the law, Judge Cradlebaugh took a course to screen offenders, who could easily hide from such a posse under the justification of avoiding a trial by court martial.

"It is now fourteen years since the tragedy was enacted, and the courts have never tried to prosecute the accused; although some of the judges, like Judge Hawley, have used every opportunity to charge the crime on prominent men in Utah, and influence public opinion against our community."

from Honorable Jeremiah S. Black, Attorney-General of the United States, and was in reply to a letter from Judges Sinclair and Cradlebaugh, who had laid before the Attorney-General the matters in controversy between them and Governor Cumming, requesting instructions from the Department of Justice. Part of Judge Black's epistle, dated May 17, 1859, ran as follows:

"The condition of things in Utah made it extremely desirable that the Judges appointed for that Territory should confine themselves strictly within their own official sphere. The Government had a District Attorney, who was charged with the duties of a public accuser, and a Marshal, who was responsible for the arrest and safe-keeping of criminals. For the Judges there was nothing left, except to hear patiently the cases brought before them, and to determine them impartially, according to the evidence adduced on both sides. * * * *

"The Governor is the Supreme Executive of the Territory. He is responsible for the public peace. From the general law of the land, the nature of his office, and the instructions he received from the State Department, it ought to have been understood that he alone had power to issue a requisition for the movement of troops from one part of the Territory to another,—that he alone could put the military forces of the Union and the people of the Territory into relations of general hostility with one another. The instructions given to the Commanding General by the War Department are to the same effect.

"On the whole the President is very decidedly of opinion—(1) That the Governor of the Territory alone has power to issue a requisition upon the Commanding-general for the whole or part of the army; (2) That there was no apparent occasion for the presence of troops at Provo; (3) That if a rescue of the prisoners in custody had been attempted, it was the duty of the Marshal, and not of the Judge, to summon the force which might be necessary to prevent it; (4) That the troops ought not to have been sent to Provo without the concurrence of the Governor, nor kept there against his remonstrance; (5) That the disregard of these principles and rules of action has been in many ways extremely unfortunate."*

This put a stop to the judicial-military operations of the Federal Judges. Thenceforth they confined themeslves to their proper sphere, leaving the duties of Prosecuting Attorney and Marshal to be discharged by those functionaries, without magisterial interference. Judges Eckels and Sinclair,

*Chief Justice Eckels and General Johnston had also sent communications to Washington, the former addressing the Secretary of State and the latter the head of the War Department, relative to affairs in Utah. Secretary Cass, after perusing the letter from Judge Eckels, wrote to Governor Cumming for a statement of facts, which was furnished. It did not altogether agree with the representations of the Chief Justice. Secretary Floyd's reply to General Johnston supported the views of the Administration already expressed by Judge Black. The latter, answering letters from U. S. Attorney Wilson, approved the course that he had taken and urged him not to allow the Judges to usurp his functions. "If they will insist upon doing the duties of Prosecuting Attorney and Marshal, as well as their own, everything will be thrown into confusion," remarked the Attorney General.

whose characters were not such as to render consistent any suggestion they might make for the correction of "Mormon" morals, soon dropped out of sight. Judge Cradlebaugh was next heard of in Carson Valley, having been appointed to the judicial district comprising that section, which, a few years later, was cut off from Utah and converted into the Territory of Nevada, with Cradlebaugh as its first Delegate in Congress.

Camp Floyd Indignant.—Camp Floyd seethed with indignation over the turn affairs had taken. At a mass meeting held there in July, 1859, an address was issued embodying a declaration that the "Mormons" were still disloyal, and that President Buchanan had done a great wrong in withdrawing

THE OVERLAND STAGE COACH.

from the courts the protecting power of the military. The agitation developed into a movement to have Governor Cumming put out of office; and the movement might have succeeded, through General Johnston's influence at Washington, but for a counter influence exerted by Colonel Thomas L. Kane.*

Horace Greeley in Utah.—In the summer of 1859 Horace

*About that time Colonel Kane delivered in the East a public address upon Utah affairs, in the course of which he eulogized Governor Cumming as the man of all men for the position he held. The address, widely published, made such an impression at Washington that the tide of sentiment was turned in favor of Utah's Executive.

Greeley, the founder and editor of the New York Tribune, arrived in the Territory. From the frontier the famous journalist had traveled westward by means of Ben Holladay's mail and passenger stage line, which was then running between St. Joseph, Missouri, and Sacramento, California, with Salt Lake City as a station on the route. The line had been established soon after the founding of Camp Floyd.* Mr. Greeley reached the Utah capital on the evening of July 10th, and remained a week or more, studying local conditions. During his stay he had several extended interviews with President Brigham Young. The New York editor was introduced to the "Mormon" leader by Delegate Bernhisel.†

"Two Hours with Brigham Young."—In his book entitled "An Overland Journey from New York to San Francisco"—a compilation of letters written by him to his paper—

LION HOUSE. PRESIDENT'S OFFICE. BEE HIVE HOUSE.

Mr. Greeley, under date of July 13, 1859, recounts his first interview with Brigham Young. Part of it follows:

"We were very cordially welcomed at the door by the President, who led us into the second-story parlor of the largest of his houses (he has three‡), where I was introduced to Heber C. Kimball, General

*Later, another line of stage coaches ran from Salt Lake City through Fillmore, Parowan, and Cedar City, to San Diego.

†Doctor Bernhisel, then nearing the close of his second term in Congress, was about to be succeeded by Captain William H. Hooper, elected Delegate in August, 1859. Hooper, during the Echo Canyon War period, had acted as Secretary of Utah pro tem.

‡The White House, the Lion House, and the Bee-Hive House, all three still standing (1916) on South Temple Street.

Wells, General Ferguson, Albert Carrington Elias Smith, and several other leading men in the Church, with two full-grown sons of the President. After some unimportant conversation on general topics, I stated that I had come in quest of fuller knowledge respecting the doctrines and polity of the Mormon Church, and would like to ask some questions bearing directly on these, if there were no objections. President Young avowing his willingness to respond to all pertinent inquiries, the conversation proceeded substantially as follows:

"H.G.—Am I to regard Mormonism (so-called) as a new religion, or as simply a new development of Christianity?

"B. Y.—We hold that there can be no true Christian church without a Priesthood directly commissioned by and in immediate communication with the Son of God and Savior of mankind. Such a church is that of the Latter-day Saints, called by their enemies Mormons; we know no other that even pretends to have present and direct revelations of God's will.

"H. G.—Am I to infer that Utah, if admitted as a member of the Federal Union, will be a slave State?

"B. Y.—No; she will be a free State. Slavery here would prove useless and unprofitable. I regard it generally as a curse to the masters. I myself hire many laborers, and pay them fair wages; I could not afford to own them. I can do better than subject myself to an obligation to feed and clothe their families, to provide and care for them in sickness and health. Utah is not adapted to slave labor.*

"H. G.—Let me now be enlightened with regard more especially to your church polity. I understand that you require each member to pay over one-tenth of all he produces or earns to the Church.

"B. Y.—That is a requirement of our faith. There is no compulsion as to the payment. Each member acts in the premises according to his pleasure, under the dictates of his own conscience.

"H. G.—What is done with the proceeds of this tithing?

"B. Y.—Part of it is devoted to building temples and other places of worship; part to helping the poor and needy converts on their way to this country; and the largest portion to the support of the poor among the Saints.

"H. G.—Is none of it paid to bishops and other dignitaries of the Church?

"B. Y.—Not one penny. * * *

"H. G.—How, then, do your ministers live?

"B. Y.—By the labor of their own hands, like the first apostles. Every bishop, every elder, may be daily seen at work in the field or the shop, like his neighbors. * * * Even our lawyers (pointing to General Ferguson and another present, who are the regular lawyers of the Church), are paid nothing for their services. * * * I am called rich, and consider myself worth two hundred and fifty thousand dollars; but no dollar of it was ever paid me by the Church.

* * * * *

"H. G.—What do you say of the so-called Danites, or Destroying Angels, belonging to your Church?

"B. Y.—What do you say? I know of no such band, no such persons or organization. I hear of them only in the slanders of our enemies.

* * * * *

"H. G.—How general is polygamy among you?

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*President Young acquiesced in the divine dispensation that made the children of Ham servants to the descendants of Shem and Japheth; but he believed that the curse pronounced upon Ham would yet be removed from his posterity.

"B. Y.—I could not say. Some of those present (heads of the Church) have each but one wife; others have more; each determines what is his individual duty.*

Honored by the Press.—The distinguished visitor was the guest of honor at a reception and banquet given by the Deseret Typographical and Press Association. Utah had at that time two newspapers—"The Deseret News," representing the "Mormon" community, and "The Valley Tan," which voiced the views of the "Anti-Mormons." This paper was established in November, 1858; its first editor being Kirk Anderson, and its principal owner, Secretary Hartnett. Though published in Salt Lake City, most of its circulation was at Camp Floyd, where the earliest numbers had been issued. A third journal, "The Mountaineer," made its appearance a few weeks after Mr. Greeley's departure. Its editors and proprietors were James Ferguson, Seth M. Blair, and Hosea Stout. All three papers issued weekly. For the "News" and the "Mountaineer" the terms of subscription were six dollars a year; for the "Valley Tan," ten dollars.

HORACE GREELEY

*The chapter in which this dialogue occurs is entitled "Two Hours with Brigham Young." Says Mr. Greeley:

"He [Young] spoke readily, not always with grammatical accuracy, but with no appearance of hesitation or reserve, and with no apparent desire to conceal anything; nor did he repel any of my questions as impertinent. He was very plainly dressed in thin summer clothing, and with no air of sanctimony or fanaticism. In appearance he is a portly, frank, good-natured, rather thick-set man of fifty-five, seeming to enjoy life, and to be in no particular hurry to get to heaven. His associates are plain men, evidently born and reared to a life of labor, and looking as little like crafty hyprocrites or swindlers as any body of men I ever met. The absence of cant or snuffle from their manner was marked and general." In another chapter Greeley tells of "opportunities for studying the 'Mormons' in their social, or festive, and in their devotional assemblies," and goes on to say: "I had been told that the Mormons are remarkably ignorant, superstitious, and brutalized; but the aspect of these congregations did not sustain that assertion. Nor do I accept the current Gentile presumption, that the Mormons are an organized banditti—a horde of robbers and assassins." "I conclude that polygamy, as it was a graft on the original stock of Mormonism, will be outlived by the root—that there will be a new revelation, ere many years, whereby the Saints will be admonished to love and cherish the wives they already have, but not to marry any more beyond the natural assignment of one wife to each husband."

By Way of Camp Floyd.—Greeley's further route westward was by way of Camp Floyd, which he describes as "on the west side of a dry valley, perhaps ten miles wide by thirty miles long, separated by high hills from Lake Utah, some fifteen to twenty miles distant on the northeast." The camp was "formed of low and neat adobe houses, generally small." The lumber for roofs and finishings had been "supplied by Brigham Young and his son-in-law, from the only canyon opening into Salt Lake Valley which abounds in timber fit for sawing." The profit on the lumber was "probably over $50,000, the price being seventy dollars per thousand feet, delivered." The total cost of the military post to the Government, was about $200,000.*

The Pony Express.—The news service between the Missouri frontier and the Pacific Coast was greatly improved in the spring of 1860, by the establishment of the Pony Express. William H. Russell of St. Louis, and associates, originated this enterprise, the purpose of which was to supply to the Great West, as far as possible, the need of the electric telegraph. The Pony Express was carried on by means of picked riders with relays of swift saddle horses, capable of making 250 miles in twenty-four hours. The ordinary mail coach could make but 100 or 125 miles in that time. This

*Greeley's opinion of the policy that kept the Federal troops in Utah is thus set forth in the "Overland Journey": "Very general is the inquiry in the army, Why were we sent here? And why are we kept here?" "What purpose does it subserve, beyond enriching contractors and Mormon magnates, at its own cost and that of the Federal Treasury? Every article eaten, drank, worn, or in any manner bought by the soldiers, costs three to ten times its value in the States * * * I have not so bad an opinion of the Mormons as that entertained by the army. While I consider the Mormon religion, so-called, a delusion and a blight, I believe many of its devoted adherents, including most of those I have met, to be pure-minded, well-meaning people; and I do not believe that Mormons generally delight in plunder or murder. * * * But I concur entirely in the conviction of the army, that there is no use in its retention here under existing orders and circumstances, and that three or four companies of dragoons would answer every purpose of this large and costly concentration of troops. The army would cost less almost anywhere else, and could not anywhere be less useful. A suspicion that it is kept here to answer pecuniary ends is widely entertained. It is known that vast sums have been made out of its transportation by favored contractors."

General Winfield Scott seems to have been of the same opinion. In his Autobiography (p. 604) he claims to have opposed the sending of the army to Utah on "the general ground of inexpediency," and especially because it was too late, when it was concluded to send them, for the troops "to reach their destination in comfort or even in safety." Scott believed that the Utah Expedition was set on foot "to give occasion for large contracts and expenditures," to "open a wide field for fraud and peculation."

innovation brought the Utah capital into a six-days communication with the frontier, and within seven days of New York and Washington. The first pony rider from the West reached Salt Lake City on the 7th of April. The first from the East arrived two days later. Both expresses had started on

THE PONY EXPRESS.

the night of April 3rd, one from Sacramento and the other from St. Joseph.*

Burton's "City of the Saints."—Late in the summer of that year came another notable visitor to receive and record impressions concerning the people of Utah and their institutions. It was Captain Richard F. Burton, a British army officer and world-wide traveler, whose book, "The City of

*The Pony Express carried dispatches and important letters, the rate for which was from one dollar to five dollars per half ounce. Written on the thinnest paper procurable, the messages were stowed in saddle bags, or in pouches on the person of the rider. The relays were kept at the stations of the Overland Stage Line. A horseman coming in at full gallop would jump from his jaded steed, leave it in the care of grooms waiting to receive it, and, flinging himself across a fresh mount, be off again with almost the speed of the wind. No one rider, of course, could make the through trip without sleep, and at certain points fresh riders were supplied. Eighty riders and four hundred horses constituted the entire equipment; eight messengers being kept in the saddle. While the Pony Express did not originate in Utah, the Territory furnished a full share of the riders. To secure the full advantages of the service, clubs were organized along the route—one at Salt Lake City, with Brigham Young as its president. Among the most noted of the express riders was Colonel William F. Cody—"Buffalo Bill."

the Saints," published after his visit to the Territory, is one of the fairest productions of its kind that has appeared in print. Captain Burton arrived at Salt Lake City on the 24th of August, and remained in Utah one month, spending part of the time at Camp Floyd. Like Editor Greeley, this noted traveler had crossed the Rocky Mountains for the purpose of visiting the Great Basin and the Pacific Coast.*

Rumors of War.—News of a stirring nature soon came by the Pony Express. The air was filled with rumors of war. Events in the East had been hurrying to a crisis, and the great conflict that was destined to split the Nation asunder, was just about to begin. The immediate result to Utah was the withdrawal of the Federal troops from the Territory.

Camp Floyd Abandoned.—As early as February, 1860, General Johnston had set out for Washington, going by way of Southern California and the Isthmus of Panama. Colonel Smith, and after him, Colonel Cooke, succeeded to the position of post commander. By Cooke's order, in February, 1861, the name Camp Floyd was changed to Fort Crittenden; Secretary Floyd having manifested by that time his strong anti-Union tendencies.† Many of the troops had already been ordered to Oregon and New Mexico; in July the remainder took up their march for the East.‡

*Burton divided the inhabitants of Great Salt Lake City into three classes—"Mormons," "Gentiles," and "Anti-Mormons," and attributed to them "three distinct opinions concerning, three several reasons for, and three diametrically different accounts of, everything that happens."

†Many believed that Johnston's army would never have been sent to Utah, but for the plotting of Secessionist leaders at Washington. President Buchanan denied the right of a State to secede: but the Secretary of War, John B. Floyd, was a strong Secessionist and became a Confederate general. As a member of the President's Cabinet, he is said to have done all in his power to scatter the armed forces of the Union in order to facilitate the withdrawal of the Southern States and enable them to seize the Government arsenals and public military stores within their borders. (Blaine's "Twenty Years in Congress," Bancroft's "History of Utah," p. 504; "Library of Universal Knowledge," Vol. 6, p. 73.)

‡Some of these departing soldiers—those ordered to New Mexico—were guilty of a dastardly outrage. They went by way of Provo River, Echo Canyon, Fort Bridger and Fort Laramie, marching in two sub-columns under Colonel Morrison and Major Lynde; a large contingent of camp followers, including women and gamblers, going with them. On Yellow Creek, near the head of Echo Canyon, William and James Hennifer having entered the camp, were set upon and shamefully treated. The former was stripped of his clothing and whipped and beaten nearly to death at the instance of Assistant Surgeon Edward Covey and Lieutenant Ebenezer N. Gay. It was an act of revenge. Covey had been arrested at Salt Lake City in November, 1858, for riot and assault, and Hennifer was one of the officers who had taken him into custody.

Before the post was abandoned, immense stores of provisions and army supplies were offered for sale by the military authorities, and disposed of at an enormous sacrifice. Goods worth four million dollars, were sold for one hundred thousand. Far-sighted buyers made their fortunes. Great quantities of arms and ammunition, which could not be transported, were destroyed by direction of the War Department.

Farewell Courtesies.—General Johnston did not visit Salt Lake City after passing through with his army in the summer of 1858. Consequently he and Brigham Young never met. Colonel Cooke, Colonel Alexander, Captain Marcy, and Quartermaster Crossman accepted an invitation to call upon the Ex-Governor prior to their departure; an invitation extended by Hiram B. Clawson, the President's son-in-law, and purchasing agent at the post. These officers presented to the "Mormon" leader the flag-staff from which the Stars and Stripes had floated over Camp Floyd; and for many years this interesting relic stood near the White House, on the hill east of the Eagle Gate, where it continued to hold aloft the National Banner."*

Governor Cumming's Departure.—One departure during that period must have caused general regret. It was that of Governor Cumming, whose brave and kindly nature, coupled with a straightforward, independent course, had won the confidence and lasting friendship of the people he had faithfully served. His term of office ended in July, 1861, but as early as the 17th of May he bade Utah farewell, leaving the Executive office in charge of Secretary Francis H. Wootten. The Governor's destination was his old home in Georgia.

*General Johnston passed to a tragic ending. He had termed the people of Utah "rebels." Himself a "rebel" now, wearing the gray instead of the blue, commanding a Confederate in lieu of a Union army, he met Grant at Shiloh, April 6, 1862, and fell at the crisis of that terrible battle, which, but for his death, might have been won for the South.

XVII.

THE CIVIL WAR PERIOD.

1861-1865.

Utah Cut Down.—Just before the beginning of the Civil War, Utah parted with that portion of her domain out of which Congress created the Territory of Nevada. It was March 2nd, 1861, when President Buchanan affixed his signature to the Act organizing that Territory. Nevada's eastern limit, which became Utah's western boundary, was placed at the thirty-ninth meridian from Washington.*

UTAH PAST AND PRESENT.

During the same year the Territory of Colorado came into existence, Eastern Utah and parts of other Territories being

*Western Utah, which became Nevada, had then been occupied for about ten years; Hampden S. Beatie building the first house at Genoa, while on his way to the California gold fields. He was followed by the Reese Brothers from Salt Lake City. Within a few years farmers, stock raisers, miners and merchants, from both East and West, began to settle along the Carson River. Early in the "fifties" it was proposed to annex that region to California, and later an effort was made to induce Congress to change the name Utah to Nevada, and remove the seat of government to Carson County. Before and after that time there were movements for the formation of a new Territory. The discovery of the great Comstock Mine, in June, 1859, largely increased the "Gentile" population, who objected to being "governed from Salt Lake City." In November, 1860, following the example of the founders of Deseret, they elected a Governor and Legislature and petitioned Congress for a Territorial government. The prayer was granted, and the Territory of Nevada was the result.

taken for that purpose. Utah's eastern limit was then fixed at the thirty-second meridian.*

Boundaries Redefined.—At the next session of the Legislature following the organization of Nevada, the boundaries of Utah were redefined. The counties then numbered eighteen, namely: Salt Lake, Davis, Weber, Utah, Tooele, Juab, Sanpete, Millard, Iron, Beaver, Washington, Kane, Morgan, Box Elder, Cache, Wasatch, Summit and Green River.†

More Southern Colonization.—A visit by President Young and other leading men to the southern part of the Territory, in May and June, 1861, resulted in a renewal of colonizing activities in that region. During the latter part of the year several hundred families from Northern and Central Utah settled in Washington County. Orson Pratt and Erastus Snow had charge of the mission. The town of St. George, named after George A. Smith, was located at that time.

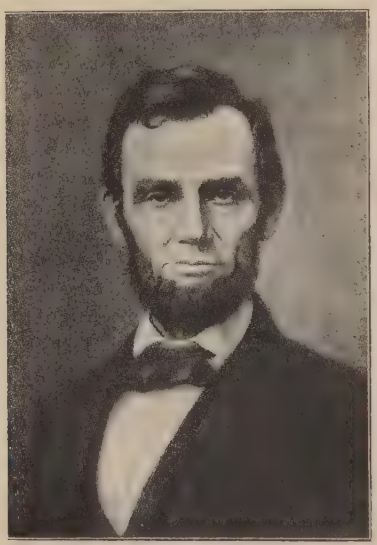
Iron and Cotton.—Two important home industries were then struggling for existence, namely, the manufacture of iron at Cedar City, and the raising of cotton on the Rio Virgen. Two hundred thousand dollars were expended in the production of iron, when it was found that the ore, though rich, would not flux, and the enterprise had to be abandoned. Cotton had been raised in Northern Utah as early as 1851, and four years later cotton seed from the Southern States was planted in the valley of the Santa Clara; the result being the first cotton fabric produced in the Territory. During 1858 Joseph Horne, heading a colony from Salt Lake City, established a cotton farm on the Rio Virgen, and in 1862 cotton mills began to appear at Parowan and other places. These industries received an impetus from the Civil War, the blockading of Southern ports by the Northern fleets having caused a scarcity of cotton fabric throughout the country. Part of the raw product

*In 1862 another degree was given to Nevada, and in 1866 still another; these also being taken from Utah. When Nebraska and Wyoming were organized, the former in 1861, the latter in 1868, each was given a piece out of the northeastern corner of this Territory. These changes reduced Utah to her present dimensions.

†Morgan County, founded in the spring of 1855, had been named for its pioneer, Jedediah Morgan Grant, at that time one of the First Presidency of the "Mormon" Church. Box Elder and Cache counties were created during the following winter. The first settlers of Box Elder were William Davis, James Brooks, and Thomas Pierce, who in 1851 laid the foundations of Brigham City. Cache County had no settlement at the time of its creation, but in July, 1856, its pioneer, Peter Maughan, chose a site for Maughan's Fort afterwards named Wellsville in honor of General Daniel H. Wells. Kane County, called after Colonel Thomas L. Kane, was organized in 1856 out of a portion of Washington County. Wasatch County was settled in 1859 by families from Provo and Nephi.

was worked up at home and the remainder sent to California and New York.

Lincoln and the "Mormons."—Abraham Lincoln was then President of the United States. He was well acquainted with the people who had founded Utah, having known them in Illinois, and they looked upon him as a friend. When asked, after his election in 1860, what he proposed to do with the "Mormons," Lincoln answered: "I propose to let them alone." He compared the Utah question to a green hemlock log on a newly cleared frontier farm—"too heavy to move, too knotty to split, and too wet to burn." He proposed to "plow around it."



PRESIDENT LINCOLN.

President Lincoln's appointees for this Territory included John W. Dawson, Governor; Frank Fuller, Secretary; and James Duane Doty, Superintendent of Indian Affairs. Dawson was from Indiana; Fuller from New Hampshire, and Doty from Wisconsin. The Federal Judges were John F. Kinney, R. P. Flenniken and H. R. Crosby. Kinney had succeeded Eckels as Chief Justice in July, 1860, by appointment from President Buchanan, and was continued in office by President Lincoln.

"Utah Has Not Seceded."—During the year of the outbreak of "The Great Rebellion," Utah gave a rousing celebration of the Nation's birthday. The event, though not unusual, was significant from the fact that the "Mormon" people were thought to favor Secession, and were even suspected of cherishing a design to set up an independent government. In California there was talk of a Western Confederacy, in the event of the Southern States winning their independence, and Utah was encouraged to join it and thus secure Statehood. Similar encouragement came from the South. But Utah would not be drawn into the maelstrom of disunion. She proposed to stand by the Constitution, and hold aloof from the strife and carnage that were then raging. She knew no North, no South, no East, no West. Her attitude, so far as it could be, was one of neutrality.

The Pacific Telegraph.—In October, 1861, the Pacific

Telegraph Line, which was built from both East and West, reached Salt Lake City; and on the 18th of that month, it having been announced that the eastern division was open, the first use of the wire was courteously tendered to President Brigham Young. His dispatch of that date has become historic. It was to J. H. Wade, President of the Pacific Telegraph Company, Cleveland, Ohio, and contained these words: "Utah has not seceded, but is firm for the Constitution and laws of our once happy country, and is warmly interested in such useful enterprises as the one so far completed."

President Wade answered as follows: "I have the honor to acknowledge the receipt of your message of last evening, which was in every way gratifying, not only in the announcement of the completion of the Pacific Telegraph to your enterprising and prosperous city, but that yours, the first message to pass over the line, should express so unmistakably the patriotism and Union-loving sentiments of yourself and people."

In the absence of Governor Dawson, Secretary Fuller made use of the wire to salute President Lincoln. He said: "Utah, whose citizens strenuously resist all imputations of disloyalty, congratulates the President upon the completion of an enterprise which spans a continent, unites two oceans, and connects with nerve of iron the remote extremities of the body politic with the great governmental heart. May the whole system speedily thrill with the quickened pulsations of that heart, as the parricide hand is palsied, treason is punished, and the entire sisterhood of States join hands in glad reunion around the national fireside." President Lincoln replied: "The completion of the Telegraph to Great Salt Lake City is auspicious of the stability and union of the Republic. The Government reciprocates your congratulations."

The arrival of the Telegraph was an event of the first importance. The electric wire, superseding the Pony Express, placed Utah in daily communication with the Atlantic and Pacific seaboards. It was the dawn of a new era, the full blaze of which, however, did not come until after the advent of the railroad.

Guarding the Overland Route.—To protect the mail route and telegraph line from hostile Indians and other enemies of the Government, a portion of the Utah militia was called into service. President Lincoln, by Adjutant General L. Thomas, in a telegram dated April 28, 1862, requested Ex-Governor Young to raise, arm and equip a company of cavalry for that purpose. The men were to receive the same pay as United States troops, and continue in service until relieved by a detachment of the regular army.

The response to the call was hearty and immediate. Within three days Captain Lot Smith, at the head of seventy-two mounted men, took up line of march for Independence Rock, the scene of a late Indian disaster. Ben Holladay, the proprietor of the Overland Stage Line, telegraphed from New York thanking President Young for his "prompt response to President Lincoln's request." The Lot Smith here mentioned was the same who in 1857 had destroyed the Government trains on Green River. He and his comrades now rendered valiant service for "Uncle Sam" and won golden opinions from the United States army officers who joined them with troops and directed their later movements.

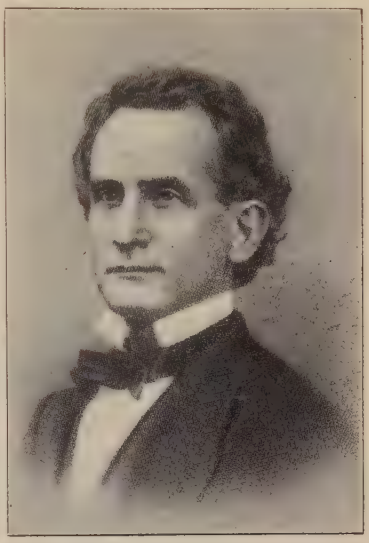
Another Movement for Statehood.—The winter of 1861-1862 found Utah again knocking for admission at the door of the Federal Union. The Territory then had a population of more than forty thousand, and in view of the secession of so many States the prospect for admission seemed quite favorable. "We show our loyalty by trying to get in, while others are trying to get out," said Delegate Hooper, in a private letter written at the time.

The Legislative bill providing for a Constitutional Convention was vetoed by Governor Dawson, who gave as his reason that there was not time enough before the date fixed for the election of delegates to notify the people or submit the measure to Congress. The delegates were chosen, however, and in January, 1862, they assembled at Salt Lake City, framed and adopted a State Constitution, and provided for the organization of a State Government. The officers were elected in March, and the government was organized in April; though, of course it did not go into operation. Congress was asked to admit Utah under the name of Deseret.

The Memorial and the Constitution were presented at Washington by William H. Hooper and George Q. Cannon, the proposed United States Senators. Mr. Cannon, when elected, was in Europe, but joined his colleague at the national capital. Captain Hooper, on his way from Salt Lake City, was accompanied as far as the North Platte by a mounted escort under the command of Colonel Robert T. Burton.

Governor Dawson's Departure.—Governor Dawson, who had succeeded Governor Cumming after a short interval during which Secretary Wootten was Acting Governor, made but a brief stay in Utah. He arrived at Salt Lake City early in December, 1861, but within thirty days set out upon his return to Indiana, having fallen into disgrace by making an indecent proposal to a respectable woman. At Hanks' Mail S[illegible] tion, east of Little Mountain, the coach in which the Governor

was traveling was waylaid by a gang of ruffians, who robbed and maltreated him. But he was soon avenged. Within a few weeks three of the desperadoes, who had been the terror of the community, were slain while resisting officers of the law. Before Dawson's arrival, and after his departure, Secretary Frank Fuller acted as Governor pending the appointment of another Executive.



GOVERNOR DAWSON.

Why Utah Was Kept Out of the Union.—Congress was not yet converted to the idea of admitting Utah into the Union, and many years elapsed before conversion came. The main cause was a deep-seated suspicion that the majority of the people of this Territory were unfriendly to the Nation. An un-American condition of affairs was supposed to exist here, hostile to the Government and subversive of morality and civilization. Priestcraft, polygamy, and murder were thought to be the chief corner-stones of "Mormonism." A union of Church and State was alleged. It was charged that the "Mormon" people were under the sway of an ecclesiastical despotism which "overshadowed and controlled their opinions, actions, property, and lives, penetrating and supervising social and business circles, and requiring implicit obedience to the counsel of the Church, as a duty paramount to all the obligations of morality, society, allegiance and law."

The Real "Mormon" Attitude.—As a matter of fact, the "Mormon" people have never been in bondage to anyone. The obedience they render to their Church is purely voluntary, as in the case of the Catholic Church, or any other religious body in Christendom. Compulsion is no part of the "Mormon" system. Murder, to the Latter-day Saint, is most abhorrent; and the execution of the murderer, by the State, the only adequate punishment in such cases. The extreme penalty visited by the Church upon recalcitrant members is excommunication. The civic affairs of the people are as distinct from their spiritual affairs as the taxes they pay to the Government are separate from the tithes given to the Church. Their allegiance to God makes obligatory upon them the fullest and truest loyalty

to the Nation. Anything to the contrary is a misconception of the "Mormon" attitude.

While denouncing the mobs that shed their blood, burned their homes, and drove them into the wilderness; and while criticizing men who sanctioned those misdeeds, or were indifferent to a redress of such grievances, they have steadfastly affirmed their fealty to country and their attachment to American institutions. Goaded and exasperated, they have at times given vent to their feelings and made freer use of their tongues than men and women living in less strenuous days would deem necessary or wise; but that such expressions against persons or policies constitute treason to the Government, or unfriendliness to the Nation, the "Mormons" emphatically deny. Holding the Government of the United States to have been founded by heavenly inspiration, and revering the Federal Constitution almost as a divine instrument, disloyalty to country would mean to them treason to God, falsity to their most sacred convictions.

"An Establishment of Religion."—As for polygamy, or the plural wife system, that was a feature of their religious faith, part of a principle known as Eternal Marriage, or marriage for time and eternity. And yet only a limited number of those connected with the Church entered into the practice of plural marriage; but they were generally influential and among the best men and women of the community. Coming to them as a revelation from God, this principle was viewed as "an establishment of religion," with which Congress, under the Constitution, had no right to interfere.*

The Anti-Bigamy Law.—Against this form of marriage, however, the Federal Government sternly set its face, and until the Church of Jesus Christ of Latter-day Saints withdrew sanction from the further solemnization of plural marriages, Utah knocked in vain for admission into the Union. The answer to her prayer for Statehood in 1862 was the Anti-

*"Mormon" plural marriage was not the oriental polygamy of modern times. The harem or seraglio was unknown. Each wife had her own home, as a rule, with her own children around her; and the several wives of one man were all equally honorable in the community, and their children equally legitimate, so far as the Church was concerned. Plural marriage was not bigamy; it involved neither desertion nor deception. The first wife was a party to it, her consent being obtained by her husband before he added another wife to his household. "Polygamy," meaning "many marriages," signified among the "Mormons" plurality of wives—nothing more, and the most rigid morality was required of those who entered into such relations. It was held to be the restored marriage system of the Hebrew patriarchs: hence its other name, Patriarchal Marriage. It was also termed Celestial Marriage, though that signified marriage for eternity, whether with one wife or more. The marital status is regarded by the Latter-day Saints as a condition precedent to the attainment of the highest exaltation hereafter.

Bigamy Law, the first legislation of the kind that found its way into the statute book of the Nation. The bill for this law was introduced into the House of Representatives by Justin S. Morrill, of Vermont. Having passed both houses of Congress, it received the signature of President Lincoln, July 8, 1862.*

The Morrisite Affair.—During the summer of that year Utah had a rebellion of her own, and its suppression cost several lives. It was known as "The Morrisite War," in which the leader of a small religious sect and a few of his followers were killed while resisting a Marshal's posse, sent to serve and enforce a process of the Third District Court. Two of the posse were also slain.

The "Morrisites," numbering about five hundred men, women and children, inhabited a little settlement called Kington Fort, immediately west from the mouth of Weber Canyon. Three of the men, upon attempting to leave the fort without making satisfactory settlement of certain claims, were imprisoned, and the leaders, Joseph Morris, John Banks, Richard Cooke, John Parsons, and Peter Klemgaard, disregarded and treated with contempt a writ of habeas corpus, issued by Chief Justice Kinney, commanding them to bring before him the persons they held in custody. This writ, dated May 22, 1862, was issued to the Territorial Marshal, Henry W. Lawrence, and served by his deputy, Judson L. Stoddard.

After the service of the process there was a delay of over two weeks, during which one of the captives eluded the vigilance of his guards and regained his liberty. The others, William Jones and John Jenson, were kept in close confinement, upon no particular charge and certainly without any warrant of law. The delay was occasioned by a desire on the part of the civil officers to avert trouble. The "Morrisites," fanatical, well armed, and well drilled, were capable of a strong resistance, and the hope was entertained that by the exercise of moderation the affair could be made to terminate without violence.

In response to repeated importunities from the wives and

*This statute classed plural marriage with bigamy, and made it punishable by a fine of five hundred dollars and imprisonment for a term of five years. It was the ceremony of plural marriage that was aimed at, not the living in polygamous relations; that point being left untouched. Certain acts of the Utah Legislature, supposed to countenance, encourage, and protect plural marriage, were annulled, and the property-holding power of religious organizations in the Territories was limited, in real estate, to the value of fifty thousand dollars. The law proved inoperative, little or no effort being made to enforce it. The Latter-day Saints regarded it as unconstitutional, and this opinion was shared by lawyers, editors and statesmen all over the land. The statute was in existence seventeen years before the Supreme Court of the United States declared it constitutional.

other relatives of the imprisoned men, Judge Kinney, on the 10th of June, issued another writ, this time directing the Territorial Marshal to arrest the "Morrisite" leaders and bring them into court, to be dealt with according to law. The charge against them now was twofold: First, unlawful imprisonment of the seceding members of their sect; second, contempt of court in refusing to release them when commanded. General Wells, being called upon for a military posse, furnished sufficient force to overcome all opposition. Marshal Lawrence was then absent from the Territory, and the responsibility of carrying out the order of the court devolved upon his chief deputy, Colonel Robert T. Burton.

Early on the morning of June 13th, the Marshal's posse, numbering two hundred and fifty men, arrived near Kington Fort. A summons to surrender within thirty minutes was sent in, with a further direction to the inmates, that if resistance was determined upon, they were to remove their women and children to places of safety. They were likewise informed that all peaceably disposed persons would find protection with the posse.

The command to surrender was unheeded by Morris, who encouraged his followers to resist, promising them divine protection. After an hour or more, no word having come from the fort, two cannon shots were fired from a bluff where the posse stood, as a warning to the rebellious inmates. One of these shots passed high over the fort and struck the opposite bluff; the other, alighting in a field between the posse and the fort, bounded into a bowery where the people were assembled, killing two women and wounding a young girl.

The "Morrisites" grasped their guns and ran to their entrenchments. During the three days' battle and siege that followed, two of the besiegers, Jared Smith and J. P. Whiplin fell. After the fighting on the first day, Colonel Burton sent a written report to Acting-Governor Fuller, who answered him in these words: "The shedding of blood in resistance to civil authority renders execution of the law imperative. * * * Let your acts be tempered with mercy, but see that the laws are vindicated."

About sunset of the third day a white flag was hoisted by those within the fort, and the leader of the posse, with a few men, rode in to receive the surrender. While the "Morrisites" were stacking their arms, leave was asked for their leader to address them. The request was granted on condition that he would say nothing to cause further excitement. Morris, who was probably insane, disregarded this caution. Lifting his hands above his head, he shouted: "All who are willing to follow me through life and death, come on!" Shouts of ap-

proval met the appeal, and a dash was made for the firearms. A hundred frenzied fanatics confronted the Deputy Marshal and his slender escort. The moment was one of extreme peril. He commanded the leaders to halt. They heeded not. The command was repeated, and again ignored. Colonel Burton then seized the pistol in his holster and fired twice, several of his men doing likewise. Morris was killed, Banks was wounded, and two women were accidentally slain. The survivors, having laid down their arms, were marched to Salt Lake City and placed under bonds to appear at the next session of the District Court.

Everyone deplored the fatalities connected with this unfortunate affair, none more sincerely than the leader of the posse. He was harshly criticized by some, who contended that the "Morrisites" (dissenting "Mormons") had been unjustly dealt with, and that religious rancor had instigated the proceedings against them. As a matter of fact, they had been shown every reasonable consideration, by the ecclesiastical as well as by the civic authorities. None dreamed that the sequel, many years later, would be the trial for murder of the brave and efficient officer who had faithfully performed the painful duty laid upon him. His acquittal was confidently looked for, and was greeted with general satisfaction.

GOVERNOR HARDING.

New Governor and Judges.—The next incumbent of the Governor's office was Stephen S. Harding, of Indiana. Appointed during March, 1862, he arrived at Salt Lake City in July, and was followed shortly by Associate Justices Charles B. Waite and Thomas J. Drake, who succeeded Judges Flenniken and Crosby. Waite was from Illinois, and Drake from Michigan.

Colonel Connor and His Command.—The suspicion that the people of Utah, or the great majority of them, were disloyal, and that a condition of affairs existed here that might at any time break out into open revolt against the Federal Government, induced Secretary of War Stanton to order the establishment near Salt Lake City of a military post, to be maintained for the purpose of "watching Brigham Young and

the Mormons." This was the principal reason why Camp Douglas (now Fort Douglas) was founded by Colonel Patrick Edward Connor and the California and Nevada Volunteers.

The "Mormon" people, offended by the imputation that came with the troops, were probably no more chagrined by the action of the War Department than was Colonel Connor himself. A tame and superfluous task had been assigned to a man of restless energy, a brave man and a born fighter. He had been a captain during the Mexican War, and when the news of the attack on Fort Sumter reached the Pacific Coast, had promptly placed his sword at his country's service. Commissioned a colonel of infantry by the Governor of California, Connor had recruited his companies and was expecting to be sent to the front, when he received the disappointing order to march to Utah—ostensibly to guard the Overland Route, and hold the Indians in check; in reality to perform vedette duty, keep the Government acquainted with affairs in and around Salt Lake City, and extend protection to "Gentiles" and apostates who might complain of oppression at the hands of their "Mormon" neighbors.

GENERAL CONNOR.

Marching to Utah.—Colonel Connor set out for Utah in July, 1862. His command then consisted of the Third California Infantry and part of the Second California Cavalry. On the way a few companies from Nevada joined them, making the entire force a little more than seven hundred men. Leaving his troops in Ruby Valley, the commander came on to Salt Lake City, arriving early in September. He remained a few days, and then rejoined his troops in Nevada. Finding his officers and men still burning with impatience to be sent to the seat of war, he endorsed their demand to that effect in a dispatch to the General in Chief of the United States Army.*

*Colonel Connor stated that his men were of no service on the mail route, which could be amply protected by the cavalry already in the Utah District. They authorized the Paymaster to withhold thirty thousand dollars due to them, and proffered to pay their own passage from San Francisco to Panama, if the Government would only order them East "to fight traitors." Subsequently one of the Volunteers

The Volunteers continued their march, reaching, on the 17th of October, Fort Crittenden (old Camp Floyd) which had passed into the possession of private parties, who had purchased the buildings from the Government. Hoping to re-sell at a large profit, these owners did all in their power to persuade Colonel Connor to establish permanent quarters there. He, however, had set his heart upon a location nearer the Utah capital. While proceeding northward, at the Point of the Mountain a rumor reached him to the effect that his advance would be resisted by an armed force, and preparations were made to encounter the opposition; but it did not appear. Later it was learned that the warlike rumor had been circulated by the Camp Floyd speculators, in the hope of influencing a reconsideration of the commander's purpose.

Founding Camp Douglas.—It was the 20th of October

OFFICERS' QUARTERS, FORT DOUGLAS.

when Colonel Connor with his troops entered Salt Lake City. Their coming created no excitement. Having saluted the Governor at his residence, not far from the Theatre corner, they marched on to the eastern foothills, between two and three miles from the centre of town, and there encamped preparatory to building Camp Douglas, on a beautiful site overlooking Salt

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wrote thus to the San Francisco Bulletin: "Brigham Young offers to protect the entire line with one hundred men. Why we were sent here is a mystery. It could not be to keep Mormondom in order, for Brigham can thoroughly annihilate us with the five thousand to twenty-five thousand frontiersmen always at his command."

Lake Valley. Until the erection of regular barracks, the soldiers sheltered themselves in huts and dug-outs. Camp Douglas was named after Senator Stephen A. Douglas, of Illinois.

For the uses of the military post the waters of Red Butte Canyon were appropriated; thus diminishing the none too plentiful supply for settlers below. Moreover, that portion of the stream which reached the plain was befouled by diversion to the neighborhood of stables and corrals, and so rendered unfit for drinking or for culinary purposes. Added to this annoyance, when the Camp Douglas reservation was set apart, it was found to overlap the borders of the municipality. These circumstances constituted the main objections to the placing of the post on that particular site.*

The Bear River Battle.—In January, 1863, Colonel Connor, with about three hundred men, fought the battle of Bear River, defeating an equal force of Indians—Bannocks and Shoshones—and completely breaking the power of the hostiles in that region. The main incidents leading up to the fight were the killing of some miners while passing through Cache Valley on their way from the Dakota gold fields, and the proposed arrest of three Indian chiefs who were held responsible for the murder. Warrants of arrest issued by Judge Kinney were placed in the hands of United States Marshal Isaac L. Gibbs, and he laid the matter before the commander at Fort Douglas. Three days later Colonel Connor started a company of infantry, with two howitzers, for the Indian camp, twelve miles from the present town of Franklin, Idaho, and he soon followed with four companies of cavalry, having as his guide the famous "Mormon" scout, Orrin Porter Rockwell. Marshal Gibbs also went with the expedition. The hardships of the march were extreme, the snow being deep and the cold intense.

The battle was fought on the 29th, beginning at six o'clock in the morning. The Indians were entrenched in a narrow dry ravine, whose steep, rocky sides sheltered them from the fire of their assailants. The latter, advancing along the level tableland, were exposed to the volleys of a concealed foe, and several fell, killed or wounded, at the first fire. These were cavalrymen, who were endeavoring to surround the savages, when the latter defeated the movement by attacking them. Meantime the infantry had forded the icy waters of Bear River, and a successful flanking movement soon enabled

*Happily these grievances have all passed away. By successive acts of Congress, parts of the military reservation have been included in the campus of the University of Utah, and, what is still more gratifying, friendly relations have existed for many years between the City in the plain and the Post on the hill.

the troops to pour an enfilading fire into the ravine. The Indians fought with fury, but were now at a disadvantage, and by ten o'clock their rout was complete.*

Colonel Connor's victory proved a great boon to the settlers of Northern Utah. It sounded a warning to the savages that did not need to be repeated. The War Department commended the Volunteers for their gallant service, and their Colonel was commissioned a Brigadier General.

Bear Lake Valley Colonized.—During 1863 Bear Lake Valley was explored by General Charles C. Rich, who, in 1864, founded the first settlements in that part. These were the towns of Paris and St. Charles, now in Southeastern Idaho. St. Charles was named in honor of General Rich. The same year Richland (now Rich) County was organized out of a portion of Cache County, and likewise christened for its founder.

Call's Landing—The Muddy Mission.—Southward, also, the work of colonization continued. Late in 1864 Anson Call, the pioneer of Millard County, was sent to "the head of navigation" on the Colorado River, to select a site for a Church station and warehouse; the purpose being to bring emigrants and freight by that route from the Pacific Coast. A station known as Call's Landing was established more than a hundred miles southwest from St. George. After the first shipment of goods the enterprise languished; its further development being arrested by the prospective early completion of the trans-continental railroad. The establishment of Call's Landing led to the founding of the Muddy Mission, just over the Utah-Nevada line.†

Governor Harding's Change of Heart.—At the beginning of his administration, Governor Harding manifested much friendliness toward the founders of Utah. In an eloquent address on Pioneer Day, he commended their industry and patriotism, and declared that he came among them "a messenger of peace and good will," with "no wrongs to complain of and

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*Among the slain chiefs were Bear Hunter, Sagwitch and Lehi. Two other chiefs, Sanpitch and Pocatello, with about fifty braves, escaped. The losses on the other side were fourteen killed and forty-nine wounded. Eight of these died within ten days, the number including Lieutenant Darwin Chase, who had been a "Mormon." He was buried at Farmington. Seventy Indian lodges were burned, and a large quantity of grain, implements and other property, believed to have been stolen from emigrants, was destroyed or carried to Camp Douglas and sold.

†This mission, whose pioneer was Thomas S. Smith, comprised the settlements of St. Thomas, St. Joseph and Overton, which date from 1865. Later, they were abandoned, but only temporarily. All three towns are now in Lincoln County, Nevada.

no religious prejudice to overcome." In his speech of welcome to Colonel Connor he expressed disappointment at his coming with his command to Salt Lake City, instead of reoccupying old Camp Floyd, but disclaimed for the Government or its representatives any unfriendly motive in connection with the troops. He advised citizens and soldiers to respect each other's rights, and pledged to both his sympathy and support for the maintenance of law and order.

But the feelings of the new Executive soon underwent a radical change. Adopting the notion prevalent at Camp Douglas, that the majority of the people were not in sympathy with the Federal Government, Harding, in his first message to the Legislature, December, 1862, criticised them on that score. He also found fault with their religion—the plural marriage principle, practised by some of them.

Federal Officials Versus the People.—Subsequently it became known that the Governor, with Judges Waite and Drake, was seeking to influence Congressional legislation, with a view to placing the selection of jurors in the hands of the United States Marshal, and empowering the Governor to appoint all the militia officers of the Territory. Much indignation was felt and expressed over what was considered an attempt "to subvert every right of free citizenship," and at a mass meeting held in the Old Tabernacle, where speeches were made by Brigham Young, John Taylor, and others, the Governor and the two Judges were accused of endeavoring to stir up strife, not only between the people of Salt Lake City and the troops at Camp Douglas, but also between the citizens of the Territory and the Government of the United States. Resolutions of censure were passed, and a committee consisting of John Taylor, Jeter Clinton and Orson Pratt, was appointed to wait upon the three officials and request them to resign. In anticipation of a refusal on their part, a petition was sent to Washington, asking President Lincoln to remove them.

As expected, the request for the resignation proved unavailing. Moreover, a counter petition, signed by General Connor and his officers, asking that the Governor and Judges be allowed to retain their places, was forwarded to the capital of the Nation.

Exciting Rumors.—About this time a rumor became current that troops from Camp Douglas were preparing to make a descent upon the home of President Young and "run him off to the States for trial;" a recent case of polygamy being the alleged cause of action. General Connor denied that such a movement was contemplated, but his denial did not convince, and the residence of the "Mormon" leader was surrounded night and day by armed guards, ready to defend him against

any assault. On the charge preferred, President Young submitted to arrest by the United States Marshal, and was taken before Chief Justice Kinney at the State House (Council House). After a hearing the Judge held him in bonds to await the action of the Grand Jury. That body failed to indict him, and he was discharged on the ground of insufficient evidence.

A very bitter feeling now prevailed; the relations between civilians and soldiers were tense and strained; and a collision seemed imminent. Sensational reports were telegraphed abroad, and the press teemed with comments upon the prospect of "another Utah war." As usual, the "Mormons" received most of the blame. Some of the papers, however, including one or more in California, were outspoken in their criticism of the Camp Douglas commander. He was accused of "kicking up trouble," and reminded that the Government had "enough fighting on its hands," and there was "no necessity of increasing it."

Convictions and Pardons.—At the March term of the Third District Court (1863) the "Morrisites" captured at the surrender of Kington Fort were tried before Chief Justice Kinney. Of ten men who had been indicted for killing two members of the Marshal's posse, seven were convicted of murder in the second degree, and two acquitted; the remaining one not being prosecuted. Those convicted were sentenced to various terms of imprisonment. Sixty-nine others were fined one hundred dollars each for resisting an officer of the law. Within three days of the trial Governor Harding, in response to a petition from Federal and Camp Douglas officers, pardoned all the convicted men and set them at liberty.*

Indignant Judge and Grand Jury.—Indignant at this action of the Governor, the Grand Jury passed formal censure upon his course. Judge Kinney approved of what the Grand Jury had done, and ordered the presentment spread upon the records of the court.

Removals and Appointments.—In June of that year Governor Harding was removed from office. His successor was James Duane Doty, former Indian Superintendent. Doty was a very estimable gentleman, and his appointment gave general satisfaction. Harding's removal, according to Mr.

*Most of these people, after being employed at Camp Douglas for a time, accompanied a detachment of troops to Idaho, where a new military post was established in the vicinity of Soda Springs. Before leaving Utah one of their number, Alexander Dow, made affidavit before Associate Justice Waite, relative to the affair at Kington Fort. He declared that the shooting of Morris and Banks and the two women was deliberate and unprovoked. The Dow affidavit was the groundwork for the prosecution instituted in after years against the officer who had carried out the mandate of the court and compelled obedience to its authority.

Stenhouse, "did credit to the Government;" his private life not being of such a character as to make him the proper person to lecture the "Mormons" on the immorality of polygamy. Judge Kinney and Secretary Fuller were also removed; "subserviency to Brigham Young" being the privately expressed reason in their case. The vacancies were filled by the appointment of John Titus as Chief Justice, and Amos Reed as Secretary. Titus was from Pennsylvania, and Reed from Wisconsin. Judges Waite and Drake retained their places. The former, in the intervals of official duty, busied himself in the preparation of a book, "The Mormon Prophet," a work much quoted by subsequent "Anti-Mormon" writers.

GOVERNOR DOTY.

Kinney as Delegate.—In August, 1863, Judge Kinney was elected Delegate to Congress. He followed Dr. Bernhisel, who had served a third term, succeeding Captain Hooper in 1861. Delegate Kinney's first speech in Congress (January, 1864) was a ringing reply to Representative Fernando Wood, of New York, who, on the floor of the House, had referred to the people of Utah as "profligate outcasts," always "hostile to the moral and political institutions of the United States." In another speech, delivered in March, Kinney made a strong appeal for the admission of Utah into the Union, presenting a bill for an act to enable the people of the Territory to form a State Government. The appeal, as usual, was in vain.*

*Mr. Wood, in his unfriendly allusion to Utah, laid stress upon her militant attitude toward the Federal Government in 1857-1858. The New York Congressman, being a pronounced "Copperhead," had a vulnerable spot in his armor, and Kinney's keen verbal weapon quickly found it. He declared that a man who would stand up in the American Congress, at a time when the Government was struggling for its existence, and pronounce the effort made by it to put down the rebellion "a hellish crusade," ought to be expelled as unworthy to ocupy a seat upon that floor. He then stated the facts connected with the Utah Expedition, and eulogized the toils and sacrifices of the founders of the Territory. The Philadelphia Press described the speech as "a sharp, opportune and overwhelming reply to the Chief of Copperheads."

The Mining Movement.—In the autumn of 1863 General Connor headed a movement for the development of Utah's mining resources. That the Wasatch, Oquirrh, and Uintah Mountains teemed with all kinds of minerals, had long been known. Iron in Iron County, lead in Beaver County, copper in Salt Lake County, and coal in many parts, had been mined long before the founder of Camp Douglas came to the Territory. The Rollins Lead Mine, near Minersville, had been worked as early as 1858, and there the Lincoln Mining District was organized in 1861. But the first settlers, and especially the leaders, did not favor mining for the precious metals during the primitive days of the commonwealth. Some of their reasons have already been presented. It but remains to say that their experience during Camp Floyd times had strengthened their determination not to encourage the flocking into Utah of a rough and reckless element, such as is commonly found among inhabitants of mining camps, the world over. They made no secret of their opposition to such an undesirable inflow, nor did they apologize for their attitude in relation to it. That attitude, however, furnished "Anti-Mormonism" with one of its most effective weapons; the plausible though groundless statement being made that all "Gentiles" were unwelcome in Utah, and that it was the purpose and policy of the "Mormons" to prevent them from settling here.

The mining movement of 1863 began in Bingham Canyon, one of the gorges of the Oquirrh Mountains running into Salt Lake Valley. A logger named Ogilvie picked up a piece of silver-bearing ore and sent it to General Connor, who had it assayed. The General then visited the canyon, with a party of officers and their wives, and one of the ladies, while rambling on the mountain side, found another loose piece of ore. The soldiers prospected for the vein, and having discovered it, made their location, naming the mine "The Jordan." Their commander drew up some mining regulations, and at a meeting of miners held at Gardner's Mill, the West Mountain Mining District was organized. About that time General Connor, with some of his troops, reoccupied the old Rush Valley grazing grounds, which the soldiers at Camp Floyd had used. There they laid off the town of Stockton, and proceeded to explore and prospect for mines in that vicinity.

Proposed Regeneration.—The Commander of the Utah Military District did not hide the fact that he had formed plans for the development of this part of the country, quite at variance with those favored by Brigham Young and the Pioneers. He had set himself the task of "regenerating" the Territory. His avowed policy was "to invite hither a large Gentile and loyal population, sufficient by peaceful means

and through the ballot box to overwhelm the Mormons by mere force of numbers, and thus wrest from the Church—disloyal and traitorous to the core—the absolute and tyrannical control of temporal and civil affairs." Such was his frank, almost fierce, announcement.

Vedette and Telegraph.—In pursuance of this policy, General Connor established a paper, "The Union Vedette," which was published first at Camp Douglas and afterwards at Salt Lake City. Its tone was militant, like its title. The editor was Captain Charles H. Hempstead, one of Connor's subordinates, afterwards a leading member of the Utah Bar. The "Vedette," at the time of its appearance, was the one journalistic rival of the "Deseret News;" the "Valley Tan" and the "Mountaineer" having ceased to exist. In January, 1864, it became a daily paper, the first one published in the Territory. During the following July "The Daily Telegraph" appeared, with T. B. H. Stenhouse as editor. Mr. Stenhouse was then a "Mormon."

The Vedette, in its first number, contained a circular letter on the mining outlook, signed by Captain Hempstead as Adjutant. General Connor promised protection to all miners who would come to Utah, and stated that "should violence be offered or attempted" to miners in the pursuit of their lawful occupation, "the offender or offenders, one or many, would be tried as public enemies and punished to the utmost extent of martial law." Such was the spirit of the so-called "Regenerators." Utah was to be reformed, not only through the ballot box, but if need be at the point of the bayonet.

A Provost Guard.—The Camp Douglas commander followed up this proclamation by placing a provost guard in Salt Lake City. The troops were quartered in a long, low adobe building, originally a store, then standing nearly opposite the south gate of Temple Block. The building was owned by the "Mormon" Church, but had been let to Captain Stover, for a military storehouse. General Connor ordered Stover with his wares to Camp Douglas, and proceeded to utilize the building for quite another purpose. Captain Hempstead was the provost marshal, and Company "L" of the Second California Cavalry, the guard. They took possession of their quarters on a Sunday afternoon, just as the people were assembling for worship in the Tabernacle across the way.

General Connor gave as his reasons for placing this guard, that the chief men of the "Mormon" Church were "making their tabernacles and places of worship resound each Sabbath with the most outrageous abuse of all that pertained to the Government;" and that "their prayers were ascending loudly from the house tops for a continuance of the War till

the hated Union should be sunk." Along with these allegations went others to the effect that the establishment of the guard had caused excitement and armed assembling among the "Mormons," and that the mining movement, "despite the counsel, threats, and obstacles of the Church," was "going on with giant strides."*

The plain facts were these: General Connor's mining movement was struggling for a bare existence, and by the end of another year had disappeared almost entirely; and that, too, without interference from anybody. At the Tabernacle and in other places there was much heated talk; but it was aimed at the "Regenerators" and others like them. Men in high places were criticised—as they always have been, in every State and Territory of the Union; but no "Mormon" considered such criticism an assault upon the Government itself. There was no great influx of "Gentile" miners and merchants, and no excitement and armed assembling among the "Mormons." As to "prayers ascending from the house tops," the reader need scarcely be assured that for that bit of orientalism the fiery commander was drawing upon an overheated imagination.

The duties of the provost guard were not onerous. Beyond the occasional arrest of some half drunken "Southern sympathizer," who, to tantalize "the boys in blue" would "hurrah for Jeff Davis" in their hearing, the soldiers had little to do. Persons arrested were made to pace to and fro in front of the guard-house, carrying upon their shoulders heavy bags of sand. While attempting an arrest in front of the Salt Lake Theatre, just as the audience was dispersing one night, a member of the guard fired into the crowd, wounding an innocent bystander, a young man named William Vanderhoof. Luckily he was not seriously hurt. After about a year, the guard was withdrawn.†

Bridging the Chasm.—The social gulf dividing citizens and soldiers was happily bridged on the 4th of March, 1865, when both sides joined in celebrating the second inauguration of President Lincoln. A public procession, in which Camp Douglas officers and troops, with Federal and City authorities and detachments of the militia, took part, was followed by a program of exercises in front of "The Market," at the junction of Main and First South Streets. There was an introductory address by Captain Hempstead, and prayer

*See letter of General Connor, dated Camp Douglas, July 21, 1864, to Assistant Adjutant General R. C. Drum, San Francisco.

†The old storehouse vacated by the troops became in after years the Deseret Museum. At one time it housed a department of the University of Deseret, which had its home in the Council House, nearby.

by the Camp Douglas chaplain, Reverend Norman McLeod, after which came an oration from Judge Titus and a speech from Ex-Delegate Hooper. The Federal troops were escorted back to the post by Colonel Burton and the citizen cavalry. During the evening, at a banquet given in the City Hall, and attended by Camp Douglas officers and others, Mayor Smoot proposed as a toast: "The health of President Lincoln, and success to the armies of the Union!"

General Connor was much impressed with what he saw and heard that day. The patriotic pageantry and sentiments, so heartily applauded by the multitude, were in the nature of a revelation to the stern warrior. "He wanted differences to be forgotten," says Mr. Stenhouse, "and with gentlemanly frankness approached the author with extended hand and expressed the joy he felt in witnessing the loyalty of the masses of the people." The Vedette expressed itself in a similar tone. A discontinuance of that paper was hinted at by its founder, in recognition of what he regarded as a decided change in the conditions surrounding him. But most of the metamorphosis was within himself. The people of Utah had always been patriotic, but his prejudice had prevented him from seeing it. General Connor's eyes were being opened to the true situation in this much misunderstood Territory.

Mourning for Lincoln.—Six weeks later the awful news was flashed over the wires that President Lincoln had been assassinated. Utah joined in the general sorrow, and civilians and soldiers, again uniting, mourned together over the Nation's martyr. It was Saturday, April 15th, when the terrible tidings came. Everywhere flags were displayed at half mast, and public and private buildings were draped in mourning. "Brigham Young's carriage was driven through town covered with crepe"—so said the Vedette—"and everyone throughout the city, that is, of the right-minded class, manifested the deepest sorrow at the horrible news conveyed by the telegraph." On the day of the President's burial a joint funeral service was held in the Old Tabernacle, City Marshal Jesse C. Little having charge of the proceedings.*

*Three "Mormon" Apostles took part in the service, namely, Amasa M. Lyman, who delivered an address; and Wilford Woodruff and Franklin D. Richards, who offered the opening and closing prayers. The only other speaker was Reverend Norman McLeod.

XVIII.

LATER IN THE SIXTIES.

1865-1867.

The Colfax Visit.—During the year 1865 a number of persons of national repute, on their way to or from the Pacific Coast, stopped off at the Utah capital. One of them was Schuyler Colfax, Speaker of the House of Representatives. Included in his party were Lieutenant-Governor William Bross, of Illinois; Samuel Bowles, editor of the Springfield (Massachusetts) Republican; and Albert D. Richardson, of the editorial staff of the New York Tribune. They arrived at Salt Lake City on Sunday, June 11th, and remained eight days.

It was largely owing to Mr. Colfax and his efforts in Congress, that the far West was then in the enjoyment of a daily mail and a telegraph line, and was soon to have the railroad for which it had waited so long. He and his friends, to use their own words, were "the recipients of a generous and thoughtful hospitality." The coach containing them, after leaving Camp Douglas, where they had halted for refreshments, was met on the foot-hills by a reception committee, of which William H. Hooper was chairman. The visitors were conducted to the Salt Lake House, apartments having been prepared for them. They were the guests of the City during their stay.*

The main incidents of the Colfax visit were: A speech by the future Vice President from the balcony of his hotel; two interviews between him and President Brigham Young; a trip to Rush Valley, to view the mining operations there; a bath in the Great Salt Lake; a special performance at the Theatre; a Sunday service at the Bowery, with President Young as the speaker; and later in the day, at the same place an oration by Mr. Colfax on the life and principles of Abraham Lincoln. The first of the interviews took place at the Salt Lake House; the "Mormon" leader and his associates

*In his book entitled "Across the Continent," published after his return to the East, Mr. Bowles refers to the experiences of himself and friends in Utah. "We find here," says he, "a great deal of true and good human nature and social culture; a great deal of business intelligence and activity; a great deal of generous hospitality—besides most excellent strawberries and green peas, and the most promising orchards of apricots, peaches, plums, and apples that these eyes ever beheld anywhere."

calling upon the party from the East. For the second and most important interview, which occurred on the 17th of June, the visitors came to the President's Office.

The Polygamy Question.—At the beginning of the conversation President Young inquired what the Government and the people in the East proposed to do with polygamy, now that they had got rid of the slavery question; an inquiry probably suggested by the fact that the National Republican Party, which was then in power, had been pledged from its inception to the extirpation of "slavery and polygamy—twin relics of barbarism." Mr. Colfax replied that he had no authority to speak for the Government, but he hoped the leaders of the Church would themselves put a stop to the practice. As the people of Maryland and Missouri, believing slavery wrong and an impediment to their prosperity, had abolished it without waiting for the action of the General Government, so he hoped the Latter-day Saints would see that polygamy was a hindrance, not a help, and move for its abandonment. President Young defended the plural-wife doctrine, but admitted that it had been abused by some who had entered into the practice. He maintained, however, that when rightly lived it was not only biblical, but had, within proper limits, a sound philosophical reason and moral propriety. The discussion, according to Mr. Bowles, was "general and sharp, though very good-natured." Mr. Colfax and his friends stated in conclusion that they hoped the polygamy question would be removed from existence, in order that all objection to the admission of Utah as a State might be taken away. Until that time no such admission was possible, and the Government could not continue to look indifferently upon the enlargement of so offensive a practice.

Death of Governor Doty.—While the Colfax party was still in Utah, Governor Doty died—June 13th—and at the funeral two days later, Speaker Colfax and Lieutenant-Governor Bross were among the pall-bearers. The deceased was a native of the State of New York, but, as previously shown, had come to Utah from Wisconsin. He was in his sixty-sixth year when death summoned him. Governor Doty was sincerely mourned, for he was much beloved. The obsequies were held at the Executive residence, and the interment took place at Camp Douglas, whose chaplain, Mr. McLeod, had officiated at the funeral.

Another Congressional Visitor.—Another Congressman came to Utah that year—Honorable James M. Ashley, Chairman of the House Committee on Territories. He arrived at Salt Lake City in time to participate in the celebration of the

Fourth of July. George Q. Cannon was orator of the day, but Mr. Ashley also made an address, commending the work of the Pioneers and thanking the people for their patriotic demonstration.

Ashley seemed to think that Utah had a future clouded with gloom. In an interview with George A. Smith and John Taylor, presiding respectively over the Council and the House of the Territorial Legislature, he stated that "the religious element ruled the country," that the clergy "had it their own way," and that the feeling against the "Mormon" Church was intensified throughout the Nation as never before. The onset might come at any time, and it would be terrible. Sherman's march through Georgia, with all its attendant horrors, might be duplicated in Utah by an army made up of the refuse of those very troops. Such was the substance of the Congressman's forecast. The men whom he addressed were not dismayed by these pessimistic forebodings. Armies had come and gone, leaving Utah and her people unscathed; and it would be so in the future. President Young declared as much to Mr. Ashley in an interview that followed.

Hooper Again Delegate.—During the proceedings on Independence Day the name of William H. Hooper was again put forward for Delegate to Congress. He had previously been nominated, and was elected in the ensuing August. Captain Hooper, like his predecessor, Judge Kinney, was traditionally a Democrat.*

Julia Dean Hayne.—The next notable arrival was from the West. In midsummer of that year the famous actress Julia Dean Hayne came with the Potter Dramatic Troupe from California, by way of Montana and Idaho. She was returning to New York, her former home, after an absence of several years, but tarried in Utah for an extended engagement at the Salt Lake Theatre; an engagement opening with the play of "Camille," on the evening of August 11th. Mrs.

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*Ashley and Hooper were destined to meet again. The former introduced a bill into Congress "to extend the boundaries of the States of Nevada, Minnesota and Nebraska, and the Territories of Colorado, Montana and Wyoming"—in other words, to partition Utah among the neighboring commonwealths. Delegate Hooper, in a speech delivered on the floor of the House, February 25, 1869, gave the measure its death blow.

Judge Kinney, at the close of his Congressional career, returned to his eastern home. Subsequently he removed to San Diego, California, and again came to Utah in 1897, as a delegate to the Trans-Mississippi Congress. Two years later he settled at Salt Lake City, where he died August 16, 1902.

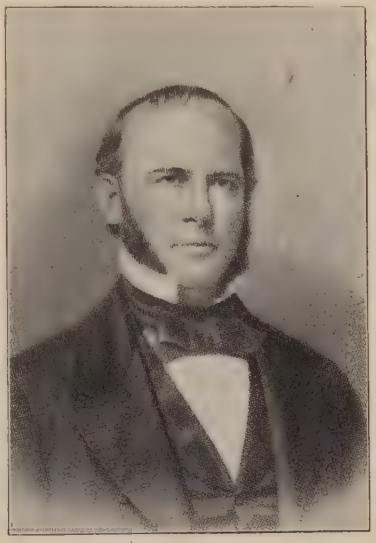
JULIA DEAN HAYNE.

Hayne's renown as an artiste was national, but in no part of the land was she more admired or more esteemed than in Utah. While here she married again, having separated from Mr. Hayne in California. Her second husband was James G. Cooper. On the occasion of her farewell, June 30, 1866, in a pretty speech from the stage she thanked President Young "for many courtesies to a stranger, lone and unprotected," and in the name of her art expressed her high appreciation of the order and beauty that reigned throughout that house. "I would that the same purity prevailed in every temple for the drama's teachings," said the great actress in conclusion.*

SALT LAKE THEATRE.

*Salt Lake's famous old playhouse was then in its infancy. Begun in July, 1861, it was completed, and the first performance given there March 8, 1862. The players were the Deseret Dramatic Association—Hiram B. Clawson manager, John T. Caine stage manager. The plays presented were "The Pride of the Market" and "State Secrets."

Governor Durkee.—Charles Durkee, the sixth Governor of Utah, arrived at Salt Lake City in September. Like Governor Doty he was from Wisconsin, and like him won the respect and love of the people whom he had been sent to govern. With him came Colonel Franklin H. Head, who succeeded Colonel O. H. Irish as Superintendent of Indian Affairs. Colonel Irish and Colonel Head were both efficient officers. The former was so well thought of that an effort had been made from Utah, both by "Mormons" and "Gentiles," to secure for him the office of Governor. This, however, was before Durkee's appointment.



GOVERNOR DURKEE.

Indian Treaties.—In June, 1865, pursuant to an act of Congress extinguishing the Indian title to certain lands, Superintendent Irish, aided by the influence and presence of Ex-Governor Young and other prominent citizens, made a treaty with fifteen chiefs at the Spanish Fork Reservation Farm. Among those present were Chiefs Kanosh, Sowiette, Sanpitch, and Tabby. Dimick B. Huntington and George W. Bean acted as interpreters. The Indians promised to move within a year to Uintah Valley, giving up the lands they then

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Doors opened at six p. m. and performance began at seven: admission to parquet and first and second balconies, seventy-five cents; third circle, fifty cents. During the first season home talent held the boards exclusively, but dramatic stars from abroad soon began to appear. The earliest was the stately tragedian Thomas A. Lyne, who had played before "Mormon" audiences at Nauvoo. Then came the versatile Irwins (Mr. and Mrs. Selden M.), and the polished English actor, George Pauncefort—all before the advent of the magnificent Julia Dean Hayne. Mrs. Hayne was first supported by George B. Waldron and the Potter Troupe, and subsequently by the Deseret Dramatic Association. The Salt Lake Theatre was built and owned by Brigham Young; William H. Folsom being the architect and superintendent of construction. The original cost was over one hundred thousand dollars. Editor Bowles (already quoted) praised this playhouse as "a rare triumph of art and enterprise," and declared that "no eastern city of one hundred thousand inhabitants" (Salt Lake then having less than twenty thousand) possessed "so fine a theatrical structure."

occupied. They agreed to be peaceable, to cultivate the reservation lands, and send their children to the schools established for them. The Government in return promised to protect them, to furnish them with homes and employment, to pay yearly sums to the principal chiefs, and to distribute annually among the tribes twenty-five thousand dollars for ten years, twenty thousand for the next twenty years, and fifteen thousand for thirty years thereafter. The Indians were permitted to hunt, dig roots, and gather berries on all unoccupied lands, and to fish in their accustomed places. All the chiefs named signed the agreement. About the middle of September Colonel Irish concluded a similar treaty with the Piede Indians in Washington County, and later Colonel Head rendered like service with other tribes.

The Black Hawk War.—The Spanish Fork treaty was made during the progress of an Indian war, the most serious affair of its kind that took place between savages and settlers in Utah. The leader of the hostiles was a chief named Black Hawk, most of whose followers were renegade Utes. Chief Sanpitch, violating his pledge of peace, which had been given reluctantly, joined the marauders and lost his life during one of their raids. The Black Hawk War—for so it was called—began in April, 1865. As usual, with such events, it grew out of a slight cause. The provocation was given at Manti, where one of the citizens, in a spirit of bravado, roughly pulled an Indian off his horse. This Indian was a son of the Ute chief Arapeen, who had recently died. The insult was made the pretext for a series of raids upon cattle herds in Sanpete, Sevier and other counties. Then followed a fierce conflict in which rifle and torch were employed destructively.

Militia Service and Fatalities.—The brunt of the strife was borne by the settlers in the ravaged districts, and by militiamen who came to their assistance from other parts. Regular military aid, requested from General Connor, and afterwards from his successor, Colonel Carroll H. Potter, was refused; the Camp Douglas troops being "wanted elsewhere." The citizen soldiers, to the number of several hundred, served with courage, energy and fidelity, some giving their lives for the common defense. The first victim of savage ferocity was Peter Ludvigsen, of Manti, who was conducting a reconnoisance at Twelve-Mile Creek, a few days after the beginning of the trouble, when he was shot by Indians in ambush. At the same place, in June, 1867, a similar fate befell Major John W. Vance and Sergeant Heber Houtz, the former from Alpine, Utah County, and the latter from Salt Lake City. Another tragedy of the period was the murder of Dr. J. M. Whitmore

and Robert McIntyre, of St. George, who were killed by Indians at Pipe Springs Ranch, Arizona, in January, 1866.

Among those who took the field or directed military operations at that time, were Generals Daniel H. Wells and Robert T. Burton, Colonels John R. Winder and Heber P. Kimball, of Salt Lake City; also Brigadier Generals Warren Snow, William D. Pace and Erastus Snow, of Sanpete, Utah and Washington counties, respectively. Southern Utah had its own troubles, but each of the counties in that part sent aid into Sanpete and Sevier. Assistance also came from Davis County.

Expense and Losses.—During the war about seventy white people were killed and a great amount of property was destroyed. Six flourishing settlements in Sevier and Piute counties,* four in Sanpete County, fifteen in Iron, Kane, and Washington counties, and two or three in Wasatch County, had to be abandoned, with an almost total loss of stock and improvements. The expense and losses, aggregating one and a half million dollars, were borne by the people of Utah, instead of by the General Government, as usual in such cases. The financial statement, prepared by Colonel Winder and presented by Adjutant General H. B. Clawson, was approved by Governor Durkee as a just claim upon the National Treasury; but Congress refused to appropriate any part of the amount. Since those days, however,—days of prejudice and misunderstanding,—many of Utah's Indian War veterans have been pensioned by the Government.

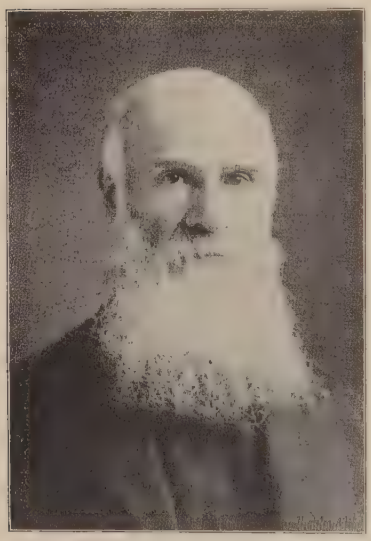
The Deseret Telegraph.—While the Black Hawk War was in progress, the Deseret Telegraph Line was established and extended through Northern, Central and Southern Utah. The first circuit was from Logan to St. George, with a branch line to Sanpete Valley. There and in other places the militia on guard rendered efficient aid in putting up poles, stringing wires, and building stations. The Telegraph was of great service to the troops, and, strange to say, was not molested by the red men, who were either ignorant of the uses of the electric wire, or too superstitious to interfere with the lightning messenger.

President Young had led out in the establishment of this important enterprise. A call, issued by him to leading men throughout the Territory in November, 1865, met with a hearty response. The line was surveyed, the work of hauling poles

*The first settlement in Sevier County (Richfield) was founded in 1863, by Albert Lewis and others from Manti; and the first in Piute County (Circleville) in 1864, by William J. Allred and a number of families from Ephraim.

from the canyon begun, money for the purchase of wire and other materials collected and sent East, and in the autumn of 1866 the wagons containing the freight arrived in charge of Captain Horton D. Haight. On the first of December the line was opened between Salt Lake City and Ogden; and within six weeks five hundred miles of wire had been strung, the cost of construction being one hundred and fifty dollars a mile. The line was extended until it embraced all the Utah mining camps, reached into Idaho, and connected St. George with Pioche, Nevada.*

"The Great Half-way Place."—Brigadier General O. E. Babcock, U. S. A., after inspecting, by order of the War Department, the military posts of the West, reported to Secretary Stanton, in October, 1866, that Salt Lake City, "from its central locality in the heart of the great mountain district, with a line of telegraph east to the Atlantic and west to the Pacific, also one running north and south through the Territory; its lines of stages to the Missouri River and the Pacific, to Idaho and the Columbia River, to Montana and the Pahranagat Mines;" was "the great half-way place across the continent." He described Fort Bridger, which had been rebuilt as a Government post in the midst of a reservation twenty-five miles square, as in "a shameful condition—grounds not policed, buildings out of order, flooring burned up, bridges burned, and shade trees broken down." Camp Douglas, on the contrary, was "in neat condition, with a garrison of some three hundred and fifty men."



BISHOP TUTTLE.

"Gentile" Activities.—Major General Hazen was in Utah during the same autumn. He reported that the "Gentiles" then residing at Salt Lake City numbered about three hun-

*Brigham Young was president of the Deseret Telegraph Company. A. Milton Musser was its superintendent and manager. A school of telegraphy, taught by John Clowes at Salt Lake City, was attended by students from other settlements. One of these was Anthon H. Lund, then a citizen of Mt. Pleasant. President Lund was one of the original operators on the first circuit.

dred. They were "nearly all traders," and had "established a church, a newspaper, and a school." The newspaper, of course, was the Union Vedette; and the church, that of the Congregationalists, who had begun to hold meetings at Salt Lake City early in 1865. Their minister was Chaplain McLeod. Prior to that time, the only religious body in the Territory, barring a few dissenting "Mormon" factions, such as the "Morrisites" and the "Gladdenites," was the Church of Jesus Christ of Latter-day Saints. The Congregational Society built Independence Hall, at the intersection of Main and Third South Streets. Two years later the Episcopal Church made a missionary district of Utah, Idaho and Montana, and placed Bishop Daniel S. Tuttle in charge of the diocese. Bishop Tuttle held his first service in Independence Hall.

"Mormons" and Anti-"Mormons."—The unfriendly feeling between the first settlers of Utah and a certain portion of the non-"Mormon" element that came among them,—a feeling that had been growing from the time of the formation of the Territory—was increased and intensified, about midway of the "sixties," by two shocking crimes, both committed at Salt Lake City. Of a nature to stir the community under the most ordinary conditions, these deplorable events were productive of more than usual excitement, owing to their supposed connection, in some minds, with the alleged policy on the part of the "Mormons," to drive the "Gentiles" out of Utah, and discourage any of that class from making homes here. Of course there never was such a policy. Every "Gentile" comer into the community was a hoped for convert to "Mormonism," which continually sent out missionaries, as it does today, with a view to drawing the "Gentiles" Zionward. A compelled "Gentile" exodus was never dreamed of by the "Mormon" people. But this fact did not prevent the fiction from obtaining credence in certain quarters, and considerable ill feeling was the result. The crimes referred to took place, one in the spring, the other in the autumn, of 1866. They are known as the Brassfield and Robinson murders.

The Brassfield Affair.—S. Newton Brassfield, a freighter from Austin, Nevada, while doing business at Salt Lake City, induced Mrs. Mary Emma Hill, the plural wife of a "Mormon" missionary then in Europe, to abandon her spouse and accept him (Brassfield) as her husband. The ceremony uniting them was performed by Judge Solomon P. McCurdy, formerly of Missouri, but at that time an Associate Justice of Utah. Legal proceedings to secure the woman's children and household property were pending, when, in the twilight of an April evening, as Brassfield was about entering his boarding house,

a little east of "Godbe's Corner," he was fatally shot by an unknown assailant, who fired from a neighboring alley. Brassfield was walking in company with United States Marshal J. K. Hosmer. There was no clue to the doer of the deed, though suspicion naturally pointed to some relative or friend of the absent husband.

General Sherman's Telegram.—As in the case of other crimes committed by individuals in Utah, an effort was made to place the blame for this homicide upon the "Mormon" community. Exaggerated reports were sent out, and as a result General William T. Sherman, then commanding the Department of the Plains, with headquarters at St. Louis, wired to President Young, stating that a telegram from "responsible officers" informed him that four "Gentiles" had been murdered by "Mormons," and that further danger was apprehended from this class. The General added that he was bound to give protection to all citizens, and that all must have equal rights within the limits of the national domain. The murderers must be punished, and measures of intimidation, if resorted to, must cease. Sherman admitted that he knew little or nothing of the causes of trouble in this Territory, but went on to say that the country was full of tried and experienced soldiers who would be pleased to "avenge any wrongs committed against any American citizens even in remote Utah." He expressed the hope that he would receive reports upon which to base accurate opinions; and meanwhile this message was sent, "not as a threat, but as a caution that a sensible man should heed." The date of the telegram was the 10th of April.

President Young's Reply.—President Young replied, thanking General Sherman for his communication, which afforded him an opportunity to state the facts. He informed the General that there had been no such assassinations as those mentioned in his communication. A soldier had shot a gentleman named Mayfield on March 17th, and a Mr. Brassfield, who had seduced a "Mormon's" wife, had been shot on the street by some unknown person. "But neither I nor the community at large know any more about it than an inhabitant of St. Louis," said the President. He denied the intimidation charges, and declared that in Utah "Gentile" lives were as safe as "Mormon" lives, and that acts of violence were of rarer occurrence in Salt Lake City than in any other town of its size in any of the new States or Territories. He clinched this statement with another, to wit: "In no other communities could men pursue the course that many do here, without experiencing the vengeance of a vigilance committee. The outrageous slanders they have circulated against us would have provoked such an outbreak elsewhere."

"Gentile" Confirmation.—Another telegram, signed by "Gentile" residents of Salt Lake City, gave a complete refutation to the original charges. It certified that citizens of every class who simply attended to their own business, were as free from intimidation and as fully respected in their rights in this city, as in any other part of the United States. Among those who signed the telegram were the Walker Brothers, John B. Kimball, Nounnan, Orr and Company, and other leading business men. Colonel Head, Indian Superintendent, and several Camp Douglas officers, also appended their signatures.

General Sherman answered President Young in these words: "Your dispatch is received, and I am much gratified at its substance and spirit." This closed the incident. At the request of General Sherman, however, General Babcock, while making the tour of inspection referred to, spent several weeks in Utah, thoroughly acquainting himself with conditions in this Territory.*

The Robinson Murder.—The excitement over the Brassfield homicide scarcely had time to die away, before the other killing took place. The date was the 22nd of October, and the victim, Dr. J. King Robinson, a former assistant surgeon at Camp Douglas. Dr. Robinson had married a Utah girl, a daughter of Elder John Kay, and at the time of his death was practicing his profession at Salt Lake City. In the case of Brassfield it was generally felt that there had been a serious provocation, and that the Nevada freighter had done much to merit what had befallen him. But there was no such element of palliation in the Robinson case. The bloody deed shocked and horrified the whole community. All classes united in deploring it, and in denouncing its dastardly perpetrators.†

The murder occurred a little before midnight. Summoned from his bed, ostensibly to care for a man with a broken limb, the surgeon was but a few rods from his residence, near Inde-

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*"A more quiet or peaceful community," said General Babcock, in his report to the War Department, "I never passed four weeks with." He commended the people for their thrift and industry, and while of the opinion that the "Mormons" had looked upon the Government as their persecutor, and for that reason had felt little sympathy with it during the Civil War, he expressed the belief that had they been called upon for a quota of troops, it would have been filled with as much promptness as any call that was made. The report, having been submitted to Secretary Stanton, was laid before Congress in January, 1867.

†Said the Deseret News: "There are acts which demand the expiation of blood, and this is one of them." That paper urged the officers to spare no efforts to bring the criminal or criminals to justice. President Young, in a public discourse, compared the murder of Dr. Robinson to the massacre at Haun's Mill, the assassination of Joseph and Hyrum Smith, and the Mountain Meadows Massacre. He denounced it in unmeasured terms.

pendence Hall, when he was set upon by several persons who, after striking him on the head with some sharp instrument, put a bullet through his brain, and hastily fled, disappearing before anyone else could arrive upon the scene. The first comers saw a number of men running away, but darkness prevented recognition. Dr. Robinson, in a dying condition, was taken to his home, where he expired an hour afterwards.

A Fruitless Investigation.—Rewards for the discovery and apprehension of the guilty parties were offered by the City, the County, and by various prominent citizens and business firms; President Young heading the list with an offer of five hundred dollars. The various amounts aggregated about ten thousand dollars. Then followed a searching investigation before Coroner Jeter Clinton, assisted by Chief Justice Titus and Associate Justice McCurdy. The examination was conducted by County Prosecuting Attorney Seth M. Blair, associated with Major Charles H. Hempstead and City Attorney Hosea Stout. Ex-Governor John B. Weller, of California, was specially retained for the case, and Thomas Marshall, of the Utah Bar, also lent assistance.

Governor Weller, following the usual "Anti-Mormon" course, endeavored to implicate the "Mormon" Church and the Salt Lake City Police Department. He cited, as a probable cause for the tragedy, certain litigation between Dr. Robinson and the municipal authorities. It is true that the Doctor had been involved in a legal contest with those authorities, for the possession of the Warm Springs property, a piece of ground built upon and owned by the City for many years, but claimed by the surgeon and a fellow practitioner as "unoccupied land," a portion of the public domain. They designed erecting a hospital there. Their claim to the property was based upon the alleged invalidity of the new City Charter, which they had been made to believe was defective because it did not appear from the Congressional records that the acts of the Utah Legislature for 1859-1860, containing the charter, had been submitted to Congress, as required by the Organic Act. The litigation followed the removal, by the police, of a shanty and a fence which the two surgeons had caused to be built upon the land, in assertion of their claim. But the case went against them in the District Court; Chief Justice Titus, before whom it was tried, ruling in favor of the City. Three days later Dr. Robinson met his death.*

*A bowling alley, owned by Dr. Robinson, and complained of as a place where gambling was carried on, and liquor sold contrary to law, had also been abated by the police; and it was alleged that the Mayor of the City, when the Doctor called upon him and threatened a suit for damages, had ordered him out of his house.

Judge Stout, replying to Governor Weller, resented the imputation that the litigation over the Warm Springs, or any incident connected therewith, had led to the murder of the unfortunate man. He maintained that such a theory was not only unjust, but illogical and inconsistent, in view of the outcome of that litigation. He also defended the Church Authorities against the aspersions cast upon them. As in the Brassfield affair, there was no clue to the identity of the assassins, and the coroner's jury, made up of "Mormons" and "Gentiles," rendered a verdict to that effect.

President Young Calls for Proof.—The intimation that the Church leaders were responsible for this crime called forth a reply from President Young. In a public discourse (December, 1866) he challenged production of proof that he was in any manner implicated, and clinched the challenge with this declaration: "If any man, woman or child that ever lived has said that Brigham Young ever counseled them to commit crime of any description, they are liars in the face of heaven."

An Unsolved Mystery.—The slayers of Dr. Robinson were never discovered. Persons suspected of the murder were arrested, but nothing was proved against them. The motive for the crime was as much involved in mystery as the identity of its perpetrators. The charge against the Church— if it amounted to a charge—fell flat. Aside from all moral considerations, it was evident that the Church had nothing to gain by the death of Dr. Robinson. Nor did it advantage in any way the City Authorities. The murder was a positive misfortune to the "Mormon" community.

The Stenhouse Theory.—The author of "The Rocky Mountain Saints" (page 618) says: "It has always appeared to the author's mind that the Robinson murder was an accident, and not premeditated. * * * It is very probable that the party attacking Dr. Robinson designed only to give him a beating and some rough usage. He was a young athletic man, and when he first discovered so many men of evil purpose he very likely became alarmed, and in seeking to disengage himself from them, probably recognized some of them, and for their own protection and concealment the fatal violence was resorted to."

Whether or not that theory be correct, this much is certain. If the guilty ones supposed that their act would be approved by any class of people, they were doomed to disappointment. Like the murderers of Pompey, who vainly imagined that the great Caesar would reward them for slaying his already defeated rival, they "reckoned without their host." The Egyptian

assassins were ordered away to instant execution: and by the same spirit of indignant justice the unknown murderers of Dr. Robinson have been pilloried for execration through all time.

Cases of Land-Jumping.—Mr. Stenhouse, in connection with his theory of the homicide—a theory published after his defection from "Mormonism"—mentions various cases of land-jumping, which had caused the forcible ejectment of certain parties, some of whom had taken possession of the race course on the west side of the Jordan, while others had seized a choice piece of real estate on the east side, claiming them as "unoccupied lands." The would-be owners of the race course were thrown, with their shanty, into the river one night; and the squatters upon the other property—Lieutenant Brown and Dr. Williamson, formerly of the California Volunteers—saved themselves from similar treatment by promising to leave the country forthwith. Mr. Stenhouse does not assert who the attacking parties were, but leaves it to be inferred that they were men of the same stamp as those who assailed Dr. Robinson.*

A Proposed "Gentile" Exodus.—As previously stated, the Brassfield and Robinson murders were supposed by some to indicate a settled policy on the part of the "Mormons," to discourage "Gentiles" from remaining in or coming to Utah. The fact that the Church Authorities were counseling their people to refrain from patronizing certain non-"Mormon" business houses, was pointed to as proof of the existence of such a

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*President Young believed these land-jumping operations were encouraged, if not instigated, by certain lawyers who had recently taken up their abode in Utah. In letters to his sons Brigham Jr., and John W., who were in England at that time (1866), he refers to vexatious law suits and land seizures, and says: "Attempts have been made to 'squat' upon our public squares, parade ground, race course, etc., and in the city these public places have been fenced to prevent 'squatters' from settling upon them." In a discourse delivered the same year, the President said: "We wish our friends to come here, and participate with us in the good things the Lord has provided for his people; but we do not want contention."

Then followed strictures on a certain class of lawyers and their strife-breeding methods, after which this comment: "If you [the new comers] undertake to drive a stake in my garden, with an intention to jump my claim, there will be a fight before you get it. * * * You can occupy and build wherever you please, but let our claims alone. We have spent hundreds of thousands of dollars in taking out the waters of the mountain streams, fencing in farms, and improving the country, and we cannot tamely suffer strangers, who have not spent one day's labor to make these improvements, to wrest our homesteads out of our hands." The Union Vedette defended the seizure of certain lands owned by the City, on the plea that they were not occupied or put to use by those who held them.

policy. In a communication addressed to the "Mormon" leaders (December, 1866) twenty-three "Gentile" merchants offered to leave the Territory, on condition that the Church would guarantee the payment of their outstanding accounts, and the purchase of their merchandise, chattels, houses, and improvements, at a cash valuation, after a deduction of twenty-five per cent had been made.

President Young declined to enter into any such agreement. Answering the communication, he stated that its signers were at liberty to go or stay, just as they pleased. He denied using coercion or intimidation to induce his people to trade or not trade with any person or class, but asserted his right and theirs to patronize the business houses they preferred. The President made it plain that the proposed boycott was not against the "Gentiles" as "Gentiles," nor against non-"Mormon" business men in general; but only against a certain class —those believed by him to be in league against the Latter-day Saints. Strife-breeders, law-breakers, and those who encouraged them in their arrogant disregard of the rights of the older settlers who had pioneered the country and made it possible for later comers to live here; it was against such persons that the "Mormon" leader leveled the boycott of 1865-1866.*

Another Grasshopper Scourge.—During the year 1867 there was another grasshopper visitation. The locusts came in countless swarms, so dense as to almost darken the sun. With relentless appetite they settled down upon ripening fields, budding orchards, and green meadows, stripping the trees of leaves, eating the tender bark of twigs, and even devouring each other. To the depth of an inch or more, they carpeted the streets, sidewalks, and door-yards, biting savagely what-

*"To be adverse to Gentiles because they are Gentiles, or to Jews because they are Jews," said President Young, "is in direct opposition to the genius of our religion. There is a class, however, doing business in this Territory, who for years have been the avowed enemies of this community. * * * While soliciting the patronage of the people and deriving their support from them, they have in the most shameless and abandoned manner used the means thus obtained to destroy the very people whose favor they found it to their interest to court." He charged this class with encouraging violations of law, and with fostering vicious institutions; with giving publicity to atrocious libels respecting the old citizens; with refusing to pay their taxes or give support to schools as required by law; and with entering into secret combinations to resist the laws and thwart their healthy operation. "What claim," said he, "can such persons have upon the patronage of this community? And what community on earth would be so besotted as to uphold and foster men whose aim is to destroy them? * * * It is to these men whom I have described, and to these alone, that I am opposed, and I am determined to use my influence to have the citizens here stop dealing with them, and deal with honorable men."

whatever they chanced to light upon. Human beings were not exempt from attack. Great damage was done by them to crops and vegetation throughout the Territory.*

A Notable Conference.—The General Conference of the

SALT LAKE TABERNACLE.

Showing the historic Endowment House in the right hand corner of the Temple Block, with the homes of Orson Hyde (right) and Albert Carrington (left) in the foreground.

Latter-day Saints in October, 1867, was notable for the calling of a large number of missionaries, to go with their families and strengthen the southern settlements. Another feature of the occasion was the calling of Joseph F. Smith into the Council of the Twelve, to fill a vacancy caused by the defection of Amasa M. Lyman. Elder Smith is now President Smith, holding the highest office in the Church. These proceedings took place in the great Tabernacle, which, begun in July, 1864, was all but completed when this conference convened.

Tabernacle and Organ.—The "Mormon" Tabernacle at Salt Lake City is one of the notable buildings of America. It is a vast elliptical dome, resting upon forty-four buttresses of solid masonry. Twenty large double doors, opening outward, afford speedy egress from the building, which is 250 feet long, 150 feet wide, and 80 feet high. The concave ceiling, seventy

*This visitation was one of a series extending through successive years, during which the people waged organized warfare upon the locusts. In 1869 only Cache, Iron, Washington and Kane counties suffered severely; other parts escaping the scourge and gathering abundant harvests.

feet from the floor, is arched without a pillar. The seating capacity is seven or eight thousand, but ten thousand persons can crowd into the interior, which has a horse-shoe gallery terminating at the choir in front of the great organ. The acoustics are a marvel; a pin dropped at one end of the hall can be heard distinctly at the other end, over two hundred feet away. The Tabernacle Organ, when built, was the largest pipe organ in America. In some respects—variety of construction and the massing of tonal qualities—it is still conceded to be one of the greatest instruments of its kind in existence.*

*The Tabernacle Organ was designed and built by Joseph Ridges, of Salt Lake City, and was constructed of native timber. It has since been enlarged and improved. The Tabernacle was designed in a general way by President Brigham Young, but under him Henry Grow was the architect and superintendent of construction.

XIX.

THE RAILROAD AND WHAT CAME WITH IT.

1868-1871.

The Iron Horse Approaching.—The all-prevailing topic at the time now touched in this narrative, was the coming of the railroad. Since January, 1863, the great iron highway, which was destined to work so many changes in the West, had been in course of construction, and was rapidly approaching from two directions the Valley of the Great Salt Lake. Utah, joining California and the East, was about to take hold of the mighty enterprise, and help it across the borders of her mountain-girt domain.

The Act of Congress authorizing the Pacific Railroad had been signed by President Lincoln on the 1st of July, 1862. The Government of the United States proposed by this legislation to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and secure to itself the use of the same for postal, military, and other purposes. The assistance offered to the builders of the road was a loan of Federal bonds for thirty years, and a gift of twenty million acres of land. Each bond was for a thousand dollars, and sixteen bonds were to be lent for each mile completed. The land to be given was on each side of the proposed railroad. Subsequently Congress offered still greater inducements, and enough private capital was finally invested to carry forward the titanic work.*

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*A railroad from the Atlantic to the Pacific had been discussed early in the Nineteenth Century, but not until about the middle of that period was any practical scheme for its construction put forward. Asa Whitney, in a series of popular meetings and in addresses to State Legislatures, agitated the question from 1844 to 1850. By that time there were railroads reaching almost as far west as the Mississippi River. The idea was to have one start from Prairie due Chien, and cross the Rocky Mountains at South Pass, extending on to Vancouver Sound, with a branch running to San Francisco. It was to be built by the sale of public lands along the proposed line, and for that purpose, Whitney asked from Congress a free grant of alternate sections, for a width of thirty miles on each side. As already related, Brigham Young, at the head of the "Mormon" Pioneers, while ascending the Platte River in 1847, marked out a future route for the trans-continental railroad, a route now covered by much of the track of the Union Pacific. Three years after the Pioneers crossed the plains, Senator Thomas Benton, of Missouri, introduced into Congress his Pacific Railroad Bill. In March, 1852, the Governor and Legis-

Union Pacific and Central Pacific.—The Act of 1862 created the Union Pacific Railroad Company, which built the line westward from Omaha; that point having been designated by President Lincoln as the eastern terminus of the great highway. The Central Pacific Railroad Company, which was already in existence, constructed the western division and shared in the advantages of the Government contract. This company had been organized in 1861, under a general law of the State of California.

At Sacramento, on January 8, 1863, and at Omaha, on December 2nd of the same year, ground was broken for the gigantic enterprise. Later there was some discouragement and delay, but after the increase of the subsidy granted by the Government the work made rapid strides to completion. Probably twenty-five thousand men, with six thousand teams, were employed on the Union Pacific and Central Pacific lines, as they advanced to meet each other on the shores of "America's Dead Sea."

Stupendous efforts were put forth by the competing companies to determine how far east or west of the Great Salt Lake each would be able to extend its track before meeting that of the rival road; the aim being, of course, to secure as large a share as possible of the Government subsidy. It therefore became an object to secure assistance from the people of Utah. The question as to whether the railroad would pass north or south of the Lake was also an important one, especially to Salt Lake City. Here, on the 10th of June, 1868, a mass meeting was held in the big Tabernacle, with a view to influencing the choice of the southern route and the building of the line through the Territorial capital. The decision of the engineers, however, was in favor of the northern route, and the railroad went that way.

Utah Contracts and Contractors.—President Young, who was a stockholder in the Union Pacific Company, accepted from its Superintendent of Construction a contract to grade ninety miles of road from the head of Echo Canyon westward. Three of the President's sons—Joseph A., Brigham, Jr., and John W.—acted as his agents in letting the sub-contracts.

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lature of the Territory of Utah petitioned Congress for the construction of such a road. During 1853-1854 as many as nine railroad routes were surveyed across the continent, one of them by the ill-fated Captain Gunnison. These surveys were authorized by the Federal Government. The National Conventions of the Democratic and Republican parties, in 1856 and 1860, referred to the Pacific Railroad in their platforms, and Presidents Pierce, Buchanan and Lincoln all mentioned it in their messages to Congress.

The main contractors under Brigham Young were John Sharp and Joseph A. Young, who employed five or six hundred men on the heavy stone work and tunnels of Weber Canyon.

JOHN SHARP.

Eastward from Echo Canyon a large contract was taken by Joseph F. Nounnan and associates. Mr. Nounnan was a "Gentile" banker at Salt Lake City. From him the Kimball Brothers, David and Heber, and W. Riley Judd, took sub-contracts and built parts of the grade along Sulphur Creek, Yellow Creek, and Bear River. The writer of this History, then a lad of thirteen, worked for his uncle, David P. Kimball, on one of those sub-contracts.

The one great Central Pacific contract taken by Utah men, was that of Ezra T. Benson, Lorin Farr, and Chauncey W. West, who constructed the road-bed from near Humboldt Wells, Nevada, into Ogden City, a distance of two hundred miles. Fifty-three miles of their work—the part extending from Promontory to Ogden—was never used, owing to the fact that the Union Pacific reached Ogden first and pushed on to Promontory, paralleling the Central Pacific between those points. When Ogden became, by Act of Congress, the joint terminus, the Central Pacific purchased from the Union Pacific its section of track, and abandoned the superfluous grade built by itself.

The Arrival at Ogden.—The arrival of the railroad at Ogden, March 8, 1869, caused a general jubilation. It was about half past eleven a. m. when the Union Pacific tracklayers came in sight of the town, whose excited inhabitants, from every house-top or other commanding elevation, feasted their eyes upon the long-looked-for "fiery steed." On it came, the workmen in front, putting down the rails, and the locomotives steaming up behind as fast as the iron path was prepared for them. Three hours later the city was reached, and there, amid raising of flags, music of bands, shouts of the people, and thunder of artillery, the advent of the railroad was celebrated with joyful enthusiasm. "Hail to the Highway

of Nations! Utah bids you welcome!" was one of the mottoes conspicuously displayed in the official and popular gathering that greeted the arrival of "The Iron Horse."

The Meeting at Promontory.—The greater event of the meeting of the two roads was reserved for Monday, the 10th of May. At Promontory Summit, on the northern shore of the Great Salt Lake, 690 miles east of Sacramento, and 1086 miles west from Omaha, the last rail was laid, the last spike driven, and both tracks were welded into one. A junction had been effected a short time before, but the laying of two rails had been left for the final proceedings. Trains from both East and West brought leading railroad men and newspaper representatives from all parts of the country, and by noon eleven hundred people had assembled at Promontory. The Chinese laborers on the western division having with picks and shovels leveled the road-bed, the last ties and rails were put in place—all but one rail. Union Pacific locomotive Number 119, and Central Pacific locomotive "Jupiter," then moved up face to face, within thirty feet of each other, and all was ready for the closing scene of this memorable act in the mighty drama of modern development.

Edgar Mills, of Sacramento, read the program of ceremonies, and Reverend Dr. Todd, who was from Massachusetts, offered the dedicatory prayer. Then came the presentation of spikes—one of gold from California, one of silver from Nevada, and one of iron, silver and gold from Arizona; all presented, with suitable speeches, to Governor Leland Stanford, President of the Central Pacific Railroad. He received the gifts in behalf of both companies, and responded with an appropriate address; after which General Superintendent G. M. Dodge spoke briefly, representing the Union Pacific Railroad.

The Last Spike Driven.—The last tie upon which the rails of the two roads met was put in position by the Superintendents of Construction, S. B. Reed of the Union Pacific, and J. H. Strowbridge of the Central Pacific. This tie was of California laurel, beautifully polished, and ornamented with a silver plate bearing the names of the officers and directors of the Central Pacific Company. The gold spike used in the ceremony was seven inches long, and had been made from twenty-three twenty-dollar gold pieces, the gift of David H. Herves, of San Francisco. Of course, none of these valuable spikes went into the road. They were preserved as relics, like the silver-plated tie, which was removed as soon as laid, and an ordinary tie substituted. It was now half past twelve, and at a given signal Governor Stanford and Dr. T. C. Durant, a Union Pacific notable, struck the spikes and drove them home.

An Electrical Proclamation.—Telegraphic connection had been made in such a way that these blows were sent vibrating along the wires to every telegraph office between the Atlantic and the Pacific, and from the Great Lakes to the Gulf of Mexico. This was done by attaching the wires to the spike mauls, every blow from which announced itself as it fell. At San Francisco the wires were connected with the fire alarm in the Tower, and at Washington with the bell of the Capitol; so that the strokes of the silver sledge were not only heard throughout the land, but were sent ringing down the Potomac, and out through the Golden Gate, proclaiming the joyful news of the marriage of the oceans. The same electric flash caused the discharge of heavy guns from the batteries of San Francisco.

Salt Lake City received the tidings at thirty-two minutes past twelve. Instantly the Stars and Stripes were unfurled, brass and martial bands struck up lively airs, and artillery salutes were fired from Arsenal Hill and from the vicinity

EAST AND WEST SHAKE HANDS.

of the City Hall and the County Court House.* A half holiday of general rejoicing followed. All towns reached by the Deseret Telegraph were notified in like manner.

*Arsenal Hill, so named for the old militia arsenal that once stood there, was near the head of Main Street, the principal thoroughfare of Salt Lake City, and a little west of the present State Capitol. The old City Hall has become the Police Department, and the old County Court House has given way to the present County Jail.

East and West Shake Hands.—No sooner was the last spike driven, than the pent-up feelings of the multitude witnessing the ceremony burst forth in thunderous hurrahs. Three cheers were given for the Government of the United States, three for the Pacific Railroad, three for the Presidents, three for the Star-Spangled Banner, three for the laborers, and three for those who had furnished the means to build the road. Official announcement of its completion was telegraphed to President Ulysses S. Grant, and to the Associated Press. At the conclusion of proceedings the two locomotives moved forward until they touched each other, and a bottle of wine was poured as a libation on the last rail. The Pacific Railroad was completed!

The Utah Central and Other Local Lines.—President Young, being in Southern Utah at the time, did not attend the celebration at Promontory. The same month, however, saw the beginning, under his direction, of the first local railroad, "The Utah Central," uniting Salt Lake City and Ogden. At the Tabernacle mass meeting, in June, 1868, the "Mormon" leader had said: "If the company that first arrives should deem it to their advantage to leave us out in the cold, we will not be so far off but we can have a branch line for the advantage of this city." When, therefore, it became evident that the main road would not pass through the principal town of the Territory, he proceeded to make good his promise respecting a branch line. The Utah Central Railroad Company was organized on the very day that the Union Pacific track reached Ogden. Its organizers were Brigham Young, Joseph A. Young, George Q. Cannon, Daniel H. Wells, Christopher Layton, Briant Stringham, David P. Kimball, Isaac Groo, David O. Calder, George A. Smith, John Sharp, Brigham Young, Jr., John W. Young, William Jennings, Feramorz Little and James T. Little; all of Salt Lake City except Mr. Layton, who lived at Kaysville. Ground was broken at Ogden, May 17, 1869, President Young removing the first sod; and the last spike was driven by him at Salt Lake City, January 10, 1870.

This road was built literally by the people. No large contracts were let, and those who constructed the road took stock in it for part of their remuneration. Colonel Carr, a Union Pacific officer who was present at the January celebration, referred to the Utah Central as "perhaps the only railroad west of the Missouri River that had been built entirely without Government subsidies." In all probability it would not have been built so early, had the Union Pacific Company been able to pay its Utah contractors more promptly. At the final settlement, which was delayed by lack of funds, the contractors accepted, in lieu of the same amount in cash, six

hundred thousand dollars worth of rails, locomotives, cars and other rolling stock. All this property went into the home road, hastening its construction and equipment.

Joseph A. Young, Superintendent of the Utah Central Railroad, in his speech at the driving of the last spike, invited East, West, North and South to come up to Utah and learn of her ways. "The more our actions and works as a people are investigated," said he, "the higher we stand in the estimation of those whose good opinion is worth having." He expressed the hope that the last spike of this road would be the first of the next, extending on to "the cotton country"—Southern Utah—and that he would live to see the day when every nook and corner of the Territory capable of sustaining human beings, would be settled by good, honest, hard-working people, and penetrated by railroads.

JOSEPH A. YOUNG.

The Echo and Coalville Railroad came next. It was begun in October, 1869, and pushed rapidly to completion. By the time the Utah Central reached Salt Lake City, coal from the Weber mines could be shipped by rail directly to the capital. Then came the Utah Southern, connecting Salt Lake with Provo and eventually with Frisco; followed by the Utah Northern, a narrow gauge line from Ogden through Weber, Box Elder and Cache counties; a branch of it joining Brigham City and Corinne, the latter a new Central Pacific town a few miles above the mouth of Bear River. The Utah and Nevada Railway ran westward from Salt Lake City, skirting the southern shore of the Lake and turning southward around the Oquirrh Mountains. Passing through Tooele Valley, and on to Rush Valley, it fixed its terminus at Stockton.

Changes in General.—Many changes resulted from the construction of the great continental highway. Utah entered upon a new era. Her days of isolation were past. Tourists from East or West rarely failed to spend some time in "The Mormon Territory," to see the much talked of people, to survey their works, and study their institutions. Railroad and telegraph systems threw a net-work of steel and electricity

over a region formerly traversed by the slow-going ox team and the lumbering stage coach. Industry revived, values rose, and mining at length became profitable. With the inflow of capital and population, came the continued discovery and development of valuable mines, the multiplication of churches, schools and newspapers, the establishment of great business houses, and the formation of rival political parties, the first that Utah had known.

Tourist Travel.—The tide of tourist travel set in as early as the summer of 1869, while the journey from Ogden to Salt Lake City was still by stage coach or other horse-power conveyance. Among the first to cross the country by rail was Honorable Benjamin F. Wade, Ex-President of the United States Senate, and author of or sponsor for the Wade Bill, an anti-"Mormon" measure introduced into Congress during 1866. Other early visitors were General Philip H. Sheridan, Senator Roscoe Conklin, and William H. Seward, Lincoln's great Secretary of State. Seward, while in Utah, was the guest of Salt Lake City, and had a pleasant interview with President Brigham Young. The same is true of Senator Lyman Trumbull, who came with Colonel James H. Bowen and a party of commercial men from Chicago. During that summer the eccentric George Francis Train paid the Territory a visit. Early in the autumn Oliver Ames, President of the Union Pacific Railroad Company, arrived with a large party representing Union Pacific and Central Pacific interests. Their purpose was to settle the question of the removal of the railroad junction from Promontory to Ogden, a matter decided in November. Major Powell, the intrepid explorer of the Colorado River, reached Salt Lake City in September. The object of the visit of the Chicago Commercial Party, as explained by Colonel Bowen, was "to facilitate commercial relations with localities made tributary by the completion of the Union Pacific and Central Pacific Railroad." His complimentary allusion to the people of Utah for their "hearty, efficient, and timely aid to the companies charged with the completion of this gigantic national highway," was responded to in an appropriate manner by President Young.

The Mining Revival.—The impetus given by the railroad to the mining industry was marked. From the autumn of 1863 to the latter part of 1865, the period covered by the operations of General Connor and his fellow promoters, little had been accomplished, though a great deal of money had been expended. Many claims had been located, mines opened, and one or more smelting furnaces erected in Rush Valley; but owing to inexperience in smelting ores, scarcity of charcoal, and high rates of transportation, these enterprises languished and finally became bankrupt. The Knickerbocker and Argenta Mining

and Smelting Company, organized in New York City to operate in Rush Valley, met with no better success. It was found impossible, without railroads, to make mining pay, and the attempt was abandoned.

Early Mining Districts.—The awakening that came in 1869-1870 was particularly manifest in Little Cottonwood Canyon, one of the great gorges of the Wasatch Range running westward into Salt Lake Valley. Silver-bearing lead ore had been discovered there in 1863 or 1864, but little had been done in the way of development. About four years later the Little Cottonwood Mining District was organized. The earliest to operate in that part were the Woodhull brothers, who made the first shipment of Utah galena ore in the summer of 1869. It went to the Selby Reduction Works, at San Francisco. Another early shipment was to James Lewis and Company, Liverpool, England; the ore being smelted at Swansea, Wales. The success of these ventures gave an impetus to mining all over the Territory. In 1868 Utah had two mining districts; in 1871 there were thirty-two. The originals were the Rush Valley District, covering the whole western slope of the Oquirrh Mountains; and the West Mountain District, covering all the eastern slope.

The Emma Mine—Other Properties.—One of the earliest locations in Little Cottonwood was the Emma Mine, which sold in England for five million dollars—much more than it was actually worth. The Flagstaff, a neighbor to the Emma, was disposed of in the same market for one and a half millions.

J. ROBINSON WALKER.

During the excitement caused by the rich developments in Little Cottonwood, horn silver was discovered in East Canyon of the Oquirrh range—east with reference to Tooele Valley, into which it runs. There, in 1870, was organized the Ophir Mining District; its first location being the Silveropolis Mine. The earliest workings of this property, forty tons, were shipped west by the Walker Brothers, netting them twenty-four thousand dollars. The richness of the finds in Little Cot-

tonwood and Ophir made Utah famous as a first-rate mining field.

The Rush Valley Claims.—Many owners of claims in and around Rush Valley were soldiers from Camp Douglas. Soon after the close of the Civil War the Volunteers, relieved by regular troops from the East, left Utah to seek employment elsewhere. Before going, those who had prospects brought about an amendment of the mining laws, making claims perpetually valid, though they had had but little work done upon them. This action, by preventing the same ground from being relocated, greatly retarded the development of the mines in that section.

First Mining Camps.—Each mining district had its "camp" or "town," where the miners and other workmen dwelt. The more important camps at the beginning were Bingham, in Bingham Canyon, and Alta, in Little Cottonwood. In and around Alta, "the home of the snowslide," many persons lost their lives, victims to the avalanche. Thriving towns also sprang up in the Tintic, Uintah, Camp Floyd, Gold Mountain, and other districts. At Park City, in the Uintah District, was the great Ontario Mine. Other famous properties have since been developed there.

BINGHAM.

The Utah Central and Utah Southern railroads, with their extensions, did much for the mining industry. Connecting

lines to Bingham, Little Cottonwood, and American Fork canyons were soon running, and ores from these and other localities found speedy transit to mills and smelters at home and abroad. Subsequently a railroad, passing up Parley's Canyon, helped to develop the mines in and around Park City.

Smelters and Stamp Mills.—It was during the summer of 1870 that the first smelters were erected in Salt Lake Valley;

PARK CITY.

the earliest being that of the Woodhull brothers, which was built at a point where Big Cottonwood Creek crosses State Street. From these works was shipped the first bullion produced in Utah. In 1871 the Walker Brothers put up a crushing and amalgamating mill in East Canyon, a mill with fifteen stamps, used for working the silver ores of Ophir.*

The Co-operative Movement.—The period of the mining revival witnessed the establishment of Zion's Co-operative Mercantile Institution, better known by its initials, Z. C. M. I.; the greatest enterprise of its kind that the inter-mountain region has yet known. It was partly in pursuance of their policy of community protection, referred to in the previous chap-

*At first silver and lead were the staple products of the Utah mines; though gold and copper were also found in Bingham Canyon and in other places. Between the summer of 1869 and the autumn of 1871, ten thousand tons of silver and gold ores, valued at $2,500,000, were shipped from the Territory; also four thousand five hundred tons of gold and silver bullion, worth $1,237,000, and two hundred and thirty-one tons of copper ore, valued at $6,000. Silver bars, obtained by milling the silver ores, produced $120,000. The distinctive feature of Utah mining today (1916) is copper production.

ter, that the "Mormon" leaders established "Co-operation." Brigham Young was the prime mover, and associated with him were such financial pillars as William Jennings, William H. Hooper and Horace S. Eldredge. Numbered also among the main promoters were George A. Smith, George Q. Cannon, Joseph F. Smith, Abraham O. Smoot, Erastus Snow, Moses Thatcher, and other stalwart men of affairs. They and their associates founded at Salt Lake City a parent commercial institution which dealt directly with wholesale houses East and West, and was itself the principal source of supply for mercantile and industrial concerns throughout the Territory. At the same time it carried on a retail trade of its own, with branches at Ogden, Logan, Provo and other points. Local merchants were invited to turn in their stock and become part owners, and the people generally were solicited to take shares.

Z. C. M. I. MAIN BUILDING.

The avowed object was to keep down prices, foster home industries, and unite the material interests of the old settlers in the face of the strong competition that was beginning to surge in from outside sources. The co-operative movement was launched in October 1868.*

*This was not Utah's first attempt at co-operation. Lorenzo Snow and others had founded, in 1864, the Brigham City Mercantile and Manufacturing Association, a co-operative concern which, branching out from humble beginnings, grew into many departments and achieved quite a notable career. The success attending that venture helped to pave the way for the greater movement that followed.

Provo had the honor of opening the first co-operative store under the new system; Salt Lake City and other towns then wheeling into line. Z. C. M. I. flourished; its growth was phenomenal. Co-operation became the watchword of the hour. All over Utah and even beyond her borders, wherever there were Latter-day Saints, business was conducted along these lines; not only in co-operative stores, mills and factories, but in co-operative cattle and sheep herds, stock farms, dairies, and other industries.*

A Groundless Fear.—The "Gentiles" surveyed the co-operative movement with grave concern, regarding it as a dangerous monopoly. They supposed that it meant ruin to their

WALKER BROTHERS' STORE.

material interests. But their fears were groundless. It benefited the entire community—in no way more pronouncedly than as a leveler of prices, an employer of labor, and a promoter of good and worthy enterprises.

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*The Utah mills and factories deserve special mention. The Provo Woolen Mills, founded by A. O. Smoot and others in 1869, while not the first in point of time, proved by far the most successful. One of the earliest was a cotton and woolen factory, at Washington, Washington County, built by Brigham Young in 1865, and later sold to the Rio Virgen Manufacturing Company, of which Erastus Snow was president.

The chief rival of Z. C. M. I., was the great mercantile firm of Walker Brothers. The Walkers had once been "Mormons," but long before co-operation was introduced they had left the Church and were classed among the "Gentiles." Another big concern was that of the Auerbach Brothers, Jews. All three houses are still in existence, though many changes have passed over them. Z. C. M. I., at the present time (1916), has "Gentile" as well as "Mormon" stockholders.*

Land Matters.—The United States land laws were now extended over the Territory, and the people who had waited so long for legal titles to the ground upon which they had built their homes, were in a fair way to be confirmed in the possession of the soil they occupied. A Surveyor General's Office had been established in Utah as early as February, 1855, when David H. Burr was appointed Surveyor General. He was succeeded in June, 1859, by Samuel C. Stambough, who was followed in August, 1861, by S. R. Fox. About a year later Utah and Colorado were consolidated into one surveying district, with the chief office at Denver; but in 1868 the office was re-established at Salt Lake City, with General John A. Clark as Surveyor General.

The Land Office was opened in March, 1869, with C. C. Clements as Register, and Lewis S. Hills, a Utah man, as Receiver. Mr. Clements soon succeeded General Clark, and Mr. Hills gave place to Receiver Giles P. Overton. The new Register was General George R. Maxwell, a shattered veteran of the Civil War. He was from Michigan. Maxwell was no

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*What was looked upon as a deliberate attempt to cripple Z. C. M. I. was put forth in 1879, when arose "The Scrip Case," the parties to which were the United States, by its Internal Revenue Collector, O. J. Hollister, and Zion's Co-operative Mercantile Institution. This litigation was over the taxation of the scrip issued by Z. C. M. I. to its employes, a certain amount of which found its way into general circulation—not as money, but as due bills, payable in merchandise at the various stores owned and conducted by the Institution. Colonel Hollister contended that these bills were a regular circulating medium, and as such he taxed them. To his peremptory demand for the amount of the tax—$16,810.92—the directors of Z. C. M. I. had no alternative but to pay, protesting, however, against the exaction as illegal. Proceedings for the recovery of the amount were instituted in the Utah courts, and the case was finally carried to the highest tribunal in the land. The result in every instance was a ruling against the Revenue Collector, the tax being pronounced illegal. The final decision was rendered in the summer of 1884, and subsequently the tax money was refunded with interest. The Brigham City Manufacturing and Mercantile Association had also planted suits, for similar cause, against the Collector, and in due time they likewise recovered the amount of the tax paid by them to the Government. Other co-operative concerns were injuriously affected by the Collector's action.

friend to the "Mormons," and while he was in office they had considerable trouble over their land matters.*

The University Revives. At the beginning of the railroad era the University of Deseret, after a long period of inactivity, took on a new lease of life. In December, 1867 it again opened its doors to students in the Council House, and during the next two years was conducted chiefly as a commercial school, with David O. Calder as Principal. In the autumn of 1869 the Uni-

*Mayor Wells, of Salt Lake City, in an interview with a correspondent of "The Cincinnati Commercial," thus paid his respects to Register Maxwell:

"Mayor Wells—It is no fault of the United States Government that we are not now peacefully possessing the titles to the ground we have redeemed, and which Congress wishes us to retain. It is the fault of the unrelenting Land Register here, Maxwell, who has entertained and abetted every petty and malicious claim contesting our right to the site, and who hinders the entry of our city.

"Correspondent.—How much do you claim as the proper area of Salt Lake City?

"Mayor Wells.—About five thousand seven hundred acres, sufficient to give us water front on the Jordan,and control of the irrigating reservoirs. We have laid out the city with an eye to coolness, breathing valves, wide streets, and plats for recreation. * * * Salt Lake has grown so far beyond all precedents that we had to get a special relief bill passed, applying to our city, and we took a census for the purpose. The Land Office at Washington recommended, and Congress promptly passed, the special bill, under the terms of which we added to our original chart other essential bits of ground."

"Correspondent.—Give me the names of all the claims which Maxwell has entertained against the City.

"Mayor Wells.—Well, there are the Robinson, Slosson, Williamson and Orr cases. Robinson was a retired surgeon of the army. * * * He jumped the Warm Springs property, our public bath houses on the outskirts of the town, with eighty acres of environing land, * * * put a tent and a guard by the spring, and built a fence within our fence. * * * We removed his obstructions, and he embarassed us at law until his death, when his widow continued the suit, and the land agent actually permitted her to make a cash entry of the place. Very differently did the Washington authorities behave. The Commissioner of the Land Office decided without hesitation in our favor, and the Secretary of the Interior confirmed it." * * * * Slosson was a fellow who first rented a quarter-section of ground from the City on the road leading to Camp Douglas, and when he undertook to keep a rum shop on it, in violation of law, we ejected him. He was then abetted by Maxwell in a barefaced attempt to claim it and enter it; but Maxwell's decision was reversed by the heads of department at Washington." Mayor Wells went on to relate how Williamson jumped the parade ground, while Orr—a Salt Lake lawyer—filed upon eighty acres between Ensign Peak and Arsenal Hill, both of which claims were entertained by the Register, who refused to decide them, and so kept back the City entry. There was no complaint against Congress or the General Land Office, the Mayor added, but Register Maxwell ought to be instructed not to entertain "these paltry claims," each of which was "a reproduction of claims already thrown out."

versity was more fully organized on a basis of classical, scientific, and normal instruction, under the direction of Dr. John R. Park, who had been elected President by the Board of Regents. Dr. Park was a native of Ohio, and a medical graduate of the University of the City of New York. He had been a permanent resident of Utah since 1864.

Newspapers and Magazines.—Many changes took place in the field of journalism. In November, 1867 "The Deseret News," until then issued weekly and semi-weekly, made its appearance as a daily paper—"The Deseret Evening News," with George Q. Cannon as editor. In January, 1868 Elias L. T. Harrison and William S. Godbe established "The Utah Magazine," which became "The Mormon Tribune," and eventually "The Salt Lake Tribune." Mr. Harrison and Edward W. Tullidge had previously started "The Peep O' Day," a literary and scientific periodical which suspended after a brief career. In June, 1870, "The Salt Lake Herald" was founded by Edward L. Sloan and William C. Dunbar, who took in as a third partner John T. Caine. The "Herald" succeeded the "Daily Telegraph," which, with its opponent, the "Union Vedette," had passed out of existence. Another journal of note was "The Ogden Junction," owned by Franklin D. Richards and others, and edited by Charles W. Penrose. "The Woman's Exponent," a weekly paper founded by leading women of the "Mormon" Church, issued its first number in June, 1872, with Lula Greene Richards as editor. But the name most closely identified with the Exponent, and longest at the head of its editorial columns, was that of Mrs. Emmeline B. Wells. Several smaller prints were published at the capital and in two or three of the country towns.

DR. JOHN R. PARK.

Churches and Schools.—The earliest religious organization at Salt Lake City, after the Latter-day Saints, was the Congregational Society, which built Independence Hall, incorporated the Salt Lake Academy, erected Hammond Hall, and established a free school. Next came the Episcopalians, founding St. Mark's Cathedral and subsequently St. Mark's Hospital,

BISHOP SCANLAN.

the first institution of its kind in the Territory. Presbyterian work began with the rise of Corinne, in March, 1869. Two years later there was a Presbyterian church at the capital, and until it was completed, the pastor, Reverend Josiah Welch, preached in Faust's Hall, on Second South Street. The Methodists sent their first missionary to Utah—Reverend Gustavus M. Pierce—in the spring of 1870. They carried on their work, first at Corinne, and then at Salt Lake City, building a church near the site of the original Pioneer camp-ground. In June, 1871, a Methodist camp meeting was held in the same vicinity. By that time the Baptists had also put in an appearance. As early as 1864 a Catholic priest, Father Raverdy of Denver, came to Camp Douglas, and at the request of General Connor consecrated the post cemetery; but the first structure reared by the Catholics in Utah was the Church of St. Mary Magdalen, dedicated in November, 1871. They also founded St. Mary's Academy, the Hospital of the Holy Cross, and All Hallows College. Their first resident pastor was Edward

ST. MARK'S HOSPITAL.

Kelley; then followed in succession Fathers James P. Foley, Patrick Walsh, and Lawrence Scanlan. The Jews held religious services at the capital in 1871; their little congregation, until it could better itself, being given the free use of a room in the City Hall. Meantime the Latter-day Saints had partly reared their great Temple at Salt Lake City, completed their mammoth Tabernacle, and dotted the land, from Bear Lake to the Rio Virgen, with chapels, school houses and other public buildings.

XX.

MODERN GUELF AND GHIBELLINE.

1867-1870.

Almost a Parallel.—In Italy during the Middle Ages there existed a social and political condition of which affairs in Utah have at times been strongly reminiscent. This reference is to the feuds of the Guelfs and the Ghibellines; the former, partisans of the Pope, the latter those of the Emperor. They were also known as the popular and the aristocratic parties. It is not the purpose of this History to draw an extended comparison between Italy with her Guelfs and Ghibellines, and Utah with her "Mormons" and "Gentiles." Suffice it that the bitterness engendered in the Fifteenth Century between the militant parties named, was not more intense than the acrimony often manifested between the classes of citizens comprising this modern commonwealth.

Three Classes.—There are really three classes in Utah, as observed by Captain Burton in 1860; namely, "Mormons," "Gentiles," and "Anti-Mormons." The "Anti-Mormons" are "Gentiles," but not all the "Gentiles" are "Anti-Mormons." There are radicals and conservatives in every party.

A "Mormon" View of the "Gentile."—There is no opprobrious intent in the use by "Mormons" of the word "Gentile." The Book of Mormon, without naming Columbus, Washington, the Pilgrim Fathers, and the Patriots of the Revolution, refers to them as "Gentiles," and describes American and European nations as "the nations of the Gentiles." While claiming Israelitish origin in part, the Latter-day Saints believe themselves likewise descended from Japheth, the original "Gentile." They revere the names and works of the founders of the American Republic, and hold that the children of Japheth, with their wonderful insight into and command over material things, their skill in commerce, politics, art, science, and other agencies of civilization, are virtually their co-workers in a mission that contemplates the gathering of scattered Israel and the introduction of the Millennial Reign. "They shall fly upon the shoulders of the Philistines toward the West" (Isaiah 11:14). The "Mormon" interprets this to mean the migration of modern Israel from trans-Atlantic nations to America, the Land of Zion; "the shoulders of the Philistines" being the steamships and railroads of the "Gentiles." In other words, Divine Providence, in latter as in former times, has given to the "Gentiles" a great temporal mission, second only to the

spiritual mission of the House of Israel, and practically a part thereof, since the spiritual includes the temporal. This inclusion, by the way, as asserted in "Mormon" philosophy and practice, is precisely what the "Gentiles" object to, misinterpreting the motive behind it, and regarding the goal aimed at as evil. Nor should the fact be at all surprising. The "Gentile" cannot be expected to take a "Mormon" view of the subject. The objection is natural, but the fear is unfounded. Broad and high, patriotic and pure, are the real aims of the real "Mormonism."

Utah's "Irrepressible Conflict."—Responsibility for the factional strife that tore Utah almost from the hour of her creation, rests largely upon the essentially un-American system of sending strangers to rule over communities with which they have little or nothing in common—officers not elected by the people, but appointed by the General Government, and frequently, in the past, unworthy of the positions for which they were chosen. Among all the political dependencies of the Nation, Utah's case was unique, in that most of her people professed one religion—a religion unpopular in the world, and whose votaries were often hated by those who came from other parts to govern, to administer the law, or otherwise officiate among them. Local self-government—that basic principle of all true Democracy—would doubtless have solved many of the problems that vexed our Territorial history.

The causes of the strife, however, were not entirely political. Social and religious prejudice has played and still plays its part in dividing and keeping asunder those who might otherwise be friendly. It would only be a truism to say that the fault is not entirely on one side. "Mormons" and "Gentiles" are but human beings—the rest follows. Most of the wranglings that have distracted Utah, as the result of disagreements between these classes, have been based upon misunderstandings, misinterpretations of acts and motives, the antagonism of supposed rival claims and adverse interests. It is the hope and belief of good people on either side, that when "Mormons" and "Gentiles" know each other better, they will like each other more.

General Connor's Policy.—A former chapter mentioned the plan proposed by the founder of Camp Douglas for Utah's "regeneration." "My policy," said General Connor, "has been to invite hither a large Gentile and loyal population, sufficient by peaceful means and through the ballot box to overwhelm the Mormons by mere force of numbers, and thus wrest from the Church—disloyal and traitorous to the core—the absolute and tyrannical control of civil and temporal affairs; or at least a population numerous enough to put a check on the Mormon

authorities, and give countenance to those who are striving to loosen the bonds with which they have been so long oppressed."

General Connor was no doubt sincere in his desire to bring about a change that he believed would be for the best good of all. But he did not understand the "Mormon" people, nor the genius of the "Mormon" religion. He did not apprehend the true situation. The Church was not "disloyal and traitorous," and its members were not "oppressed." The only "bonds" that held them were the bonds of duty and devotion. Nor would their religion have countenanced oppression in any form, either against themselves or against their non-"Mormon" neighbors. They were "rebels" in one sense—they rebelled in their feelings against misrepresentation. They refused to consider themselves "traitors," and insisted that they were loyal "to the core." Their contempt for those who imagined themselves possessed of all the patriotism in the community, was quite as pronounced as the arrogance that called it forth. General Connor's extreme views underwent considerable modification after he had lived a while in Utah, and the same is true of the harsh opinions originally entertained toward him and his fellows.

The General proposed, by developing the mines, to increase the "Gentile" vote, and place it in control of civic affairs. Having failed in his purpose, he quit Utah for a season, and the Volunteers at Camp Douglas, when relieved by regular troops, also left the Territory. The "regenerating" work, like the mining movement, then went into abeyance.

The "Gentile" Opportunity.—An opportunity to effect some of the changes desired by the "Gentiles" came with the advent of the railroad. Thenceforth Utah was to have at least two political parties. Up to that time she had but one—the People's Party, most of whose adherents were members of the "Mormon" Church. This party began its career in March, 1849, with the inception of the Provisional Government. The Liberal Party, which now came into existence, was made up of all classes not included in the People's Party. The Liberals recognized General Connor as the father of their political organization, though he was not its immediate founder. It grew out of a coalition between the "Gentiles" and a small body of seceding "Mormons" known as "Godbeites," concerning whom more will be said presently.

Baskin and McGrorty.—Another claimant to the distinction of having originated the first "Gentile" political party in Utah, is Robert N. Baskin, the veteran "Anti-Mormon" attorney. True it is that as early as February, 1867, the "Gentile" voters put forward a candidate for office—one William Mc-

Grorty, a merchant in a small way at Salt Lake City. He ran for Congress against Captain Hooper, the sitting Delegate. The organization of a "Gentile" party, to "oppose the political control of the priesthood," had previously been suggested by Mr. Baskin, and it was he who nominated "McGroarty" (such is his spelling of the name) for Congress. This was at the office of Abel Gilbert, another Salt Lake merchant, where certain "Gentile" business men were wont to assemble after business hours, to "discuss and condemn the state of affairs in Utah." Mr. Baskin had then been a resident of the Territory for about two years. He was originally from Ohio, and had graduated from the law school of Harvard University. At the election McGrorty received a little over one hundred votes, while for his opponent more than fifteen thousand were cast. The defeated candidate carried his case to Washington, contesting Hooper's right to be reseated. His attorney was former Associate Justice Waite.

Too Long a Wait.—Unfortunately for Mr. McGrorty, he had an attorney, in the author of "The Mormon Prophet," who could tell him more about the faults of his neighbors, than about the laws of Congress governing Delegate elections. He allowed nearly a year to pass before beginning his contest, notice of which, according to Congressional law, had to be filed within thirty days after the result of the election had been officially ascertained. "Too long a Waite"—pardoning the word-play—would have headlined the situation appropriately. It was January, 1868, when McGrorty filed with the Committee on Elections of the House of Representatives his printed brief, accompanied by documents in support of various allegations therein contained.

Charges and Refutations.—Among other things McGrorty charged that the "Mormons" were required by a rule of their Church to take an oath inconsistent with their duties as loyal and law-abiding citizens, and he implied that Captain Hooper had taken such an oath. He also alleged that in some of the voting precincts the election had been conducted irregularly, and that persons not entitled to vote had been permitted to cast their ballots. The reason assigned for the delay in beginning the contest, was "fear of personal violence at the hands of members of the People's Party."

It is alleged that the main purpose of the contest was "to direct the attention of Congress and the Nation to existing conditions in Utah." Granting this to be true, the inference is reasonable that McGrorty's whole candidacy had that object in view, since his defeat at the polls was inevitable, and his rejection at Washington no less certain. But why the gap of nearly a year between the election and the contest? The

alleged "fear of personal violence" proved to be mere clap-trap, an explanation that did not explain. If such a danger had really existed, it would have been just as imminent when the contest began, as at any previous period. But as a matter of fact it had no existence whatever.

Hooper refused to recognize McGrorty as a legal contestant, since he had failed to comply with the law of Congress relating to election contests. Ignoring the sensational tales forming the principal part of the complaint, and denying for himself and his people the taking of any oath of disloyalty to the Government, he submitted affidavits from Colonel Head, Superintendent of Indian Affairs; Solomon P. McCurdy, Associate Justice; Frank Fuller and Amos Reed, former Secretaries and Acting-Governors; with statements from forty-one other "Gentiles"—merchants, bankers, and business men—all refuting McGrorty's assertion that he would have been in danger of personal violence had he begun his contest earlier. They declared that he could have done so with perfect safety at any time after the election; that the freest expression of opinion was tolerated in Utah; and that McGrorty, while publicly announcing on the streets that he was contesting the seat of the Delegate-elect, had not been molested in any manner. As to the alleged irregularities in the election, Hooper said: "Should the vote of the two whole counties in which the precincts are located be rejected, the sitting Delegate still has over twelve thousand majority, and McGrorty but sixty-four votes; these being the only two counties in which ex parte statements have been taken as to irregularities, and the evidence is not sufficient as to these."

Hooper Again Seated.—The Committee on Elections having rendered its report, the House of Representatives, in July 1868, unanimously adopted the same, refusing to admit Mr. McGrorty as Delegate from Utah, and deciding that Mr. Hooper was rightfully entitled to the seat. In the following August the latter was elected to the Forty-first Congress without opposition.*

*From the first election in Utah until early in 1867, there had been an interregnum of several months during which the Territory was without a Delegate in Congress. This interval was from the 4th of March in the odd years, when each Congress expires, until the first Monday in the succeeding August, when the local election took place, so that in case of an extra session between March and August of these years the Territory would have been unrepresented. To obviate this deficiency a law was enacted in January, 1867, providing that the election of Delegate to the Fortieth Congress should be held on the first Monday in the following February, and that the Delegate for the Forty-first Congress should be chosen at the general election on the first Monday of August, 1868, and biennially thereafter. In this way the Delegate was chosen several months in advance of the expiration of his predecessor's term.

The Godbeite Movement. It was about this time that the "Godbeite Movement" began. The establishment of "The Utah Magazine," by William S. Godbe and Elias L. T. Harrison, has been mentioned in a former chapter. Mr. Godbe was a merchant, and Mr. Harrison an architect. The latter, a talented writer, was the editor of the magazine, which first appeared in January 1868, and was issued weekly at Salt Lake City. Originally pro-"Mormon," its owners then being prominent Elders of the Church, it soon changed its tone and began to advocate policies opposite to those of the Church leaders, and deemed by them hurtful to the higher interests of the community. Among other things, it advocated the development of the mines, a movement regarded by those leaders as still premature. Covert insinuations, reflecting upon President Young, also found way into the columns of the periodical.

WILLIAM S. GODBE.

The visit to Utah of Alexander and David Smith, sons of the Prophet Joseph Smith, though not connected with the Church to whose presidency Brigham Young had succeeded, gave the Utah Magazine an opportunity to speed a shaft in the direction of "The One Man Power," as President Young was termed by some of his opponents. Assuming that it was his purpose to found a dynasty, and have one of his sons succeed him at the head of the Church, the Magazine, while combating the claim to succession put forth by Alexander and David Smith in behalf of their elder brother Joseph, used the following language: "If we know the true feeling of our brethren, it is that they never intend Joseph Smith's nor any other man's son to preside over them, simply because of their sonship. The principle of heirship has cursed the world for ages, and with our brethren we expect to fight it till, with every other relic of tyranny, it is trodden under foot" ("The Rocky Mountain Saints," p. 635.)*

*"Young Joseph," as the Prophet's eldest son was called, presided at that time over a religious body styling itself "The Re-organized Church of Jesus Christ of Latter-day Saints," having its headquarters

The antagonism of those owning and conducting the Utah Magazine became so pronounced that in October, 1869, they were severed from the Church. A few others having followed them, they formed a congregation and held meetings for a time, by permission of President Young, in the Thirteenth Ward Assembly Rooms. Afterwards they met in Walker Brothers "Old Store." Subsequently the "Godbeites" erected a building of their own—"The Liberal Institute," situated on Second East, between First and Second South streets. Their opposition to the Church leaders, while emphatic, was respectful, never bitter and abusive, like the assaults of some of their colleagues. Such was the origin of "The Godbeite Movement," otherwise known as "The New Movement"; the latter name recognized by its adherents.

Early in 1870 the "Godbeites" established a paper, "The Mormon Tribune," issued weekly and designed as the organ of the New Movement. It was the Utah Magazine transformed. The publishers were William S. Godbe and Elias L. T. Harrison; the editors, Mr. Harrison and Edward W. Tullidge.* The business manager of the paper, Eli B. Kelsey, soon retired, and was succeeded by William H. Shearman.

A Second Colfax Visit.—Shortly before the excommunication of Elders Godbe and Harrison, Schuyler Colfax made his second visit to Salt Lake City. He was now Vice President of the United States. Again he was proffered the municipal hospitalities; but this time declined them, being offended at the "Mormon" leaders, a report having reached him to the effect that President Young, in a public discourse, had referred to the heads of the Nation as "drunkards" and "gamblers." Learning of the prospective "Utah Schism," as the New Movement was afterwards termed, and viewing it as a good omen, Mr. Colfax became interested in Mr. Godbe and his friends, one of whom, T. B. H. Stenhouse, had a conversation with the Vice

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at Plano, Illinois. This body, originally made up of apostate "Mormon" factions, denied that Brigham Young was the lawful successor to Joseph Smith, and they also made strenuous though vain efforts to prove that Brigham, and not Joseph, introduced plural marriage into the Church, and that the Prophet never practiced it. To present these claims, missionaries had been sent to Utah as early as 1862 or 1863, and the visit of Alexander and David had a similar purpose. The task of replying to them in public was assigned by President Young to Elder Joseph F. Smith, son of Hyrum Smith the martyred Patriarch, and then but recently called into the Council of the Twelve.

*Mr. Tullidge was a gifted dramatic writer, the author of several plays. One of these, "Eleanor De Vere," was written especially for Julia Dean Hayne, and was presented at the Salt Lake Theatre, with that great actress in the title role. Tullidge also wrote, in after years, the "Life of Brigham Young," "The Women of Mormondom," "Life of Joseph the Prophet," and "The History of Salt Lake City."

President upon local conditions. "Will Brigham Young fight?" asked Colfax significantly. In reply, Mr. Stenhouse pleaded that Utah might be allowed to solve her own problems, without interference from the outside.*

Vice President Colfax, on the evening of the 5th of October, delivered a speech from the portico of the Townsend House, at the corner of West Temple and First South streets; a multitude of hearers thronging the space below. After praising the Territorial Fair, which was then being held, with its interesting exhibits of cotton, woolen, silk, and other home products; also the Tabernacle and its splendid organ, which he had just heard for the first time; the orator commented upon President Young's alleged derogatory remark concerning the heads of the Nation. He declared it untrue, whereupon someone in the crowd shouted: "Brigham Young never said it." Colfax rejoined that this was the first time he had heard the report denied, and rather implied that he was "of the same opinion still."

A Spirited Controversy.—The Vice President, in the course of his address, touched upon the subject of plural marriage, saying: "I do not concede that the institution you have established here, and which is condemned by law, is a question of religion." This declaration brought forth a written reply from one of the leading men of the Church—Elder John Taylor, of the Council of the Twelve, whose communication was published in the New York Tribune and copied by other Eastern papers. Therein he asked the question: "Who constituted Mr. Colfax a judge of my religious faith? I think he has stated that 'the faith of every man is a matter between himself and God alone.'" Mr. Colfax answered through the columns of the New York Independent, and this was followed by another rejoinder from Elder Taylor. All the articles were subsequently published together in pamphlet form.†

Editor Bowles Again.—Vice President Colfax, upon his second visit to the Territory, was accompanied, as before, by Lieutenant Governor Bross, of Illinois, and by the Massachusetts editor, Samuel Bowles. The latter, who had written so favorably of Utah and her people on the former occasion, now reversed his friendly attitude. In a Supplement to his book, "Across the Continent," he stated that since the visit of the Colfax party to Salt Lake City in June 1865, the "Mormon" leaders had "repudiated their professions of loyalty to

*See Tullidge's "History of Salt Lake City," pp. 398-400.

†For the Colfax speech and the Taylor reply, with other matter upon the same subject, see Tullidge's "History of Salt Lake City," Chapter 46; also Whitney's "History of Utah," Vol. 2, Chapter 14.

the Government." "New means were taken," he asserted, "to organize and drill the militia of the Territory," and provide them with arms, "under the auspices and authority of the Mormon Church;" and "an open conflict with the representatives of the Government" was "apparently braved, even threatened."

There was no justification for such a statement. No "professions of loyalty" had been "repudiated" by the "Mormon" leaders. They were standing where they had always stood in their attitude toward the Government. The organizing and drilling of the militia was "under the auspices and authority" of the Territory of Utah, and had been going on for a generation. If any "new means" were taken to arm, organize and drill the citizen soldiers in 1869, it was to prepare against possible Indian outbreaks, such as the Black Hawk War, which had recently closed. During that strife word had come from the military authorities in the East, that the militia, instead of regular troops, must be depended upon "to compel the Indians to behave;" and the extra organizing, arming and drilling, if there was any, had that as its object. Mr. Bowles was still further imposed upon by those from whom he drew his inspiration. He published, as sermons of Brigham Young and others, a lot of senseless stuff, which anyone acquainted with those men and their style of address would have recognized as spurious. The Bowles Supplement was looked upon as part of the Colfax war program, broadly hinted at in the Vice President's significant question: "Will Brigham Young fight?"

Proposed Anti-"Mormon" Legislation.—The sentiment prevailing at the capital of the Nation favored the introduction into Congress of the Cragin and Cullom bills, which, though they did not become law, created as much agitation as if they had been placed upon the statute books. They were similar to, though severer than, the Wade Bill, which had previously failed of passage. These measures had been framed at Salt Lake City, and sent to Washington to be fathered by the distinguished gentlemen whose names they bore.

The Cragin Bill.—Senator Aaron H. Cragin, of New Hampshire, introduced his bill early in December, 1869. It proposed to give the Governor of Utah the sole right to select, appoint, and commission all officers of the Territory, except constables; to abolish trial by jury in polygamous cases, and make it criminal for a "Mormon" to solemnize any marriage, or even to be present at a plural marriage ceremony. The Governor was to be virtually the Trustee-in-Trust for the "Mormon" Church. The bill contemplated the abolition of the offices of Territorial Marshal and Attorney General, and

the placing of their duties upon the United States Marshal and District Attorney. It likewise proposed to repeal all legislation inconsistent with itself, and make unlawful the assembling of the Legislature or the holding of an election under the authority of the State of Deseret.*

The Cullom Bill.—The Cullom Bill, taking its name from General Shelby M. Cullom, of Illinois, was introduced in the House of Representatives a few days after the Cragin Bill came before the Senate. It was even more radical than its twin measure. Having passed the House, it was adopted by Mr. Cragin in lieu of his own protege, and presented by him in the Senate. The real and avowed author of the Cullom Bill was Robert N. Baskin, of Salt Lake City, the human mainspring of nearly every "Anti-Mormon" movement that Utah has known.

Among those who spoke against the measure in Congress were Representative Thomas Fitch, of Nevada, and Representative Samuel B. Axtell, of California. Both these gentlemen afterwards became residents of Utah, Mr. Fitch as a leading member of the Bar, and Mr. Axtell as Governor of the Territory. Delegate Hooper made a speech against the Cullom Bill on the day that it passed the House.

In Utah the proposed legislation awoke a storm of indignant protest, the most notable feature of which was a mass meeting of "Mormon" women, held in the Salt Lake Tabernacle, about the middle of January, 1870. Speeches were made and resolutions adopted against the pending measure. This meeting was but one of many that convened in various parts of the Territory, all protesting against the passage of the Cullom Bill.

Some of the "Godbeites" had plural families, and were therefore vitally interested in the issue. They, with a number of prominent "Gentiles," disfavored certain features of the Cullom Bill, and at a meeting where its modification was proposed, Joseph R. Walker, J. M. Carter, Samuel Kahn, R. H. Robertson, Warren N. Hussey, Thomas Marshall and O. J. Hollister were appointed a committee to memorialize Congress

*The State of Deseret here referred to, should not be confounded with the Provisional Government of 1849-1851. Its existence was but nominal, and dated only from 1862. The messages of Governor Brigham Young were regularly presented to the General Assembly, which adopted as its own the laws passed by each session of the Territorial Legislature. The object in view was to have all the necessary machinery ready whenever the Territory might be admitted into the Union as a State. The "Anti-Mormons" charged that the Provisional Government which Congress had refused to recognize, was thus defiantly perpetuated, and the political capital made out of the situation finally induced a discontinuance of the theoretical State of Deseret.

to that end. Colonel Hollister, a relative by marriage of Vice President Colfax, declined to act, and Bishop Tuttle, of the Episcopal Church, took his place upon the committee.

Moreover, as stated by Tullidge, the "Godbeite" historian, the head of the New Movement went to Washington and discussed matters with President Grant, to whom he was introduced by Vice President Colfax. Mr. Godbe importuned for kindly treatment of the "Mormon" people by the General Government. The President replied that he was as anxious as anyone to save the "Mormon" people—save them from their leaders, and that if more troops were sent to Utah (for such a movement was contemplated) they would be designed merely as "a moral force," to support the administration of the laws. Mr. Godbe also met General Cullom, and placed the situation before him in such a light as to cause him to consider less favorably the severe measure for which he stood sponsor. Meanwhile, the Cullom Bill had been referred to the Committee on Territories, of which Senator Nye, of Nevada, was chairman. That was the last heard of it. It was never reported from the committee.

The Liberal Party.—The Liberal or Independent Party—for the latter was its original name—entered upon its actual career in February, 1870, when a meeting for its organization was held in the Masonic Hall, Salt Lake City. Eli B. Kelsey, "Godbeite" and polygamist, was elected chairman, after which speeches were made and plans formulated for the approaching municipal election. A ticket was nominated by acclamation. Some of the nominees were "Mormons," firm in the faith, whose names were expected to draw votes from the ranks of the People's Party. The personal popularity of one of the seceders—Henry W. Lawrence, Independent candidate for Mayor—was relied upon to do much in that direction. These matters arranged, the meeting adjourned until next evening, February 10th, when it re-convened in Walker Brothers' "Old Store."

The People's Coup d'Etat.—The Independents held their second gathering to ratify the nominations made at the first, and the general public was invited to attend. "Come one, come all," was the wording of the widely posted placard urging the people of Salt Lake City to be present. "The People" mischievously took them at their word, thronging the hall at an early hour and voting in their own chairman and secretary. Over the heads of the discomfited and exasperated minority, the crowd nominated a full ticket for city officers, heading the list with the name of Daniel H. Wells, the People's candidate for Mayor, an office already held by him. The meeting then adjourned.

This practical joke—for nothing more serious was intended—might have had a tragic termination. It was certainly ill-timed and imprudent, and like all such "pleasantries," was pleasant only to the perpetrators. Construed and proclaimed as an act of intolerance, it could not fail to be hurtful to the People's cause. Doubtless some of the Independents, even while denouncing it, were secretly glad of its occurrence, being shrewd enough to see the advantage that it would give them when heralded abroad. The actual damage done—a few broken benches, etc.— was promptly repaired by direction of the People's Party leaders. That they approved of the incident, is altogether improbable. There was no further disposition to interfere with the new party, and their proper ticket was duly placed before the public.

HENRY W. LAWRENCE.

The Salt Lake City Election.—The election fell upon the 14th of February. Two thousand three hundred and one votes were cast, of which number the Independent ticket drew about three hundred; all the rest going to the People's candidates. The leaders of the minority party complained of numerous obstacles thrown in the way of those desirous of voting their ticket, and of various annoyances to which their challengers had been subjected, adding: "Without these, and the existing law of the Territory, compelling the numbering and identifying of each vote—a system practically robbing every citizen of his freedom of ballot—the result would have been far different." They regarded their "commencement in the great work of vindicating the rights of free speech, free thought, and a free press in this Territory, a promising one." Such was the substance of their report to the Tribune.

The Deseret News stated that all voters cast their ballots as they desired, and that the conduct of the election was such as to give no just cause for complaint. The News might have added that there was no temptation to a contrary course on the part of the overwhelming majority. The People stood in no fear of the Independent vote. The complaint of their op-

ponents as to "obstacles" and "annoyances" had a basis, more apparent than real, in the refusal by Mayor Wells of a request from the Chairman of the Independent Committee, J. M. Orr, who had asked, just before the election and after all arrangements had been decided, that one of the judges and one of the clerks be chosen from the ranks of the new party. The Mayor was not willing to disarrange matters to that extent, but assured the Chairman that every protection would be afforded the citizens to vote their respective tickets, without partiality or hindrance.

The Marked Ballot.—The "marked ballot" referred to by the minority party, prevented frauds and insured honest elections. That, no doubt, was its purpose. At the same time it afforded opportunity for espionage, if those in charge of the election machinery cared to take advantage of it. They could know, if they wished, for whom each voter cast his ballot. This fact being recognized by the Legislature, the old election law was repealed ere long, and the marked ballot superseded by the secret ballot.

The Convention at Corinne.—In this manner arose the Liberal Party of Utah, though it was not known by that name until the following July, when a convention of Independents assembled at the "Gentile" City of Corinne, and nominated George R. Maxwell for Congress. General Connor was temporary chairman of the Convention, and he nominated Maxwell for Delegate. By formal action of that political gathering, the Liberal Party received its name.

Maxwell Defeated.—Election day was the first of August. Over twenty thousand votes were cast for Captain Hooper, the People's candidate, and a little over one thousand for the Liberal nominee. More than eight hundred of the latter were polled at Corinne; Salt Lake City giving less than two hundred votes to General Maxwell. Nevertheless he contested the seat, basing his claim, as Mr. McGrorty had done, upon the ground of his opponent's alleged disloyalty. Captain Hooper was put to the trouble of refuting many sensational stories, after which he was permitted to take his seat in the House of Representatives as the duly elected Delegate from the Territory of Utah.

XXI.

ATTEMPTS AT RECONSTRUCTION.

1870-1871.

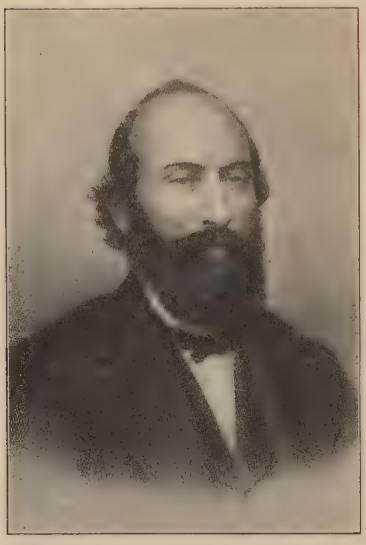
The Foremost Citizen.—Brigham Young, so long as he lived, was the foremost citizen of Utah. Not in an official way, but by virtue of his ability and commanding influence. His position as President of a Church comprising most of the inhabitants of the Territory, gave him much of his prestige, but not all. He was by nature a leader of men, with a genius for organization and government. Moreover, he possessed strong personal magnetism. The "Anti-Mormons" deemed him tyrannical. Not so, the Latter-day Saints. To them he was a Prophet of God, and they revered him accordingly. One fact concerning him may yet be apparent to all. Had this great pioneer and colonizer—the greatest that America has known—been less masterful, or less influential, he could never have accomplished the gigantic task that destiny had laid upon him.

That some people should object to the wielding of so much power by a private citizen, was only natural. Federal officers, sent to Utah from other parts of the country, felt themselves slighted and the Government wronged on account of the homage paid to the founder of the commonwealth. To diminish his influence, therefore, they considered a patriotic duty.

The "War Governor."—Among those bent upon a policy of curtailment with reference to the "Mormon" leader, was Utah's "War Governor," J. Wilson Shaffer, whose peaceful predecessor, Governor Durkee, at the expiration of his official term, had left the Territory and was on his way back to Wisconsin, when he died at Omaha, Nebraska, late in 1869. Shaffer's appointment soon followed, and on the 20th of March 1870, he arrived at Salt Lake City. General Shaffer was a native of Pennsylvania, but had been for many years a resident of Illinois. During the Civil War he was General Butler's chief of staff, serving his country with courage and fidelity. He was now in his forty-third year, an invalid slowly dying, but a man of iron will, aggressive and determined. He looked upon Utah as he had looked upon the rebellious Southern States. Here as well as there, he thought, there was need of "reconstruction." "Never, after me," he exclaimed, upon receiving his appointment, "shall it be said that Brigham Young is Governor of Utah."

Shaffer's Associates.—Governor Shaffer's associates in this Territory were mostly, if not all, outside the "Mormon" com-

munity. True, he accepted, soon after his arrival from the East, an invitation from President Young to attend the Latter-day Saints' Annual Conference, which was held that year in May, instead of April, the usual month of its occurrence. He was present on the stand at one of the meetings in the Tabernacle, but did not address the congregation, though invited to do so. Holding aloof from those representing the great majority of the people, he affiliated almost exclusively with their political and religious opponents.*



GOVERNOR SHAFFER.

"Godbeite" Influence.—According to Tullidge, the "Godbeites" used their influence with Governor Shaffer, as they had previously used it with President Grant, in behalf of their former co-religionists. That writer relates a conversation in which Eli B. Kelsey laid his case and that of other polygamists before the Governor, showing that if harsh measures were employed in dealing with plural marriage, much suffering would result, especially to plural wives and their children, the class who, in popular belief, were to be most benefited by the proposed change. "Governor," said Kelsey, "before I will forsake my wives and bastardize my children, I will fight the United States down to my boots. What would you do, if you were in my place?" Shaffer was silent for a few moments, during which he paced his room thoughtfully. He then responded: "By G—, Mr. Kelsey, were I in your place, I would do the same."

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*The Governor's headquarters were at the Revere House, where he literally "fell among thieves;" though that, of course, was not from choice. The proprietor of the hotel, William H. McKay, turned out to be a mail robber. In company with two other men—St. Ledger, a transient, and one Heath, a former U. S. soldier, he waylaid the stage coach from Pioche, Nevada, between Levan and Nephi, Utah, on the night of October 23, 1870, and robbed Wells Fargo Company's treasure box of about fifteen hundred dollars. Sheriff Cazier, of Juab County, organized a posse and captured the robbers next day, recovering from them all the stolen money. St. Ledger turned state's evidence and secured his release; Heath escaped; but McKay was convicted in the District Court and sentenced to five years' imprisonment. This was the first mail coach robbery in Utah.

Woman's Suffrage—Acting Governor Mann.—A source of annoyance to the new Executive was an act of the Legislative Assembly giving the women of the Territory the elective franchise. Wyoming had recently adopted Woman's Suffrage, and Utah was a close second in conferring upon her daughters this important privilege. It was the answer of the "Mormon" men to the charge that the "Mormon" women were downtrodden and held in subjection. The measure had been approved by Secretary S. A. Mann, as Acting Governor, on the 12th of February, several weeks before Shaffer arrived at Salt Lake City. The Governor and his advisers feared that the woman vote would strengthen "The Mormon Power;" and they therefore regarded the granting of the franchise as a move in the wrong direction. Through their influence Secretary Mann was removed from office; Vernon H. Vaughn, of Alabama, being appointed in his stead. Mr. Mann, who was from New York, and had been Secretary of Utah since May, 1869, remained to practice law at Salt Lake City.

Chief Justice Wilson.—Another retirement, through similar causes, was that of Chief Justice Charles C. Wilson, who, since September, 1868, when he arrived from Illinois, had been presiding over the Third District Court. His alleged offense was the exercise of too much leniency in the matter of admitting "Mormon" aliens to citizenship. Moreover, he had incurred the ill will of Governor Shaffer. There had been some disagreement between the Governor and the Probate Judges, and the latter appealed to Wilson for advice. He instructed them to disregard Shaffer's rules and consult the law as to their duties. "Whereupon," said the Chief Justice, in a newspaper account of the affair, "he swore to remove me, and removed I am." This was in July, 1870, the same month that Secretary Mann went out of office.*

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*According to the Salt Lake Herald, the Governor had refused to commission certain officers elected by the Legislature, and the question of forcing his action with a writ of mandamus was under consideration. Shaffer asked Wilson if he would issue such a writ. The Judge replied that he would if a case were made out. The Governor then said: "Well, I like that!"—which meant, of course, that he did not like it—"I am sent here to regulate things, and I am to be controlled by a judge." "I beg pardon, Governor," answered the Chief Justice, "it strikes me that you are to be controlled by law."

Don Piatt, Washington correspondent of "The Cincinnati Commercial," was present at an interview when President Grant gave as the reason for Judge Wilson's removal that "Governor Shaffer wished it." Another account is to the effect that Wilson's friends, upon inquiring as to the cause of his displacement, were told by President Grant that "General Shaffer's staff must be a unit." See Roberts' History of the Mormon Church, "Americana" for August, 1914, p. 681, notes 3 and 4, also p. 688.

A New Military Post. Preliminary to the sending of additional troops to Utah, General Sheridan made a special visit to the Territory, for the purpose of founding a new military post. "Do nothing without consulting Mr. Godbe and his friends," President Grant is said to have enjoined upon the General, when the latter set out for Salt Lake City. Accordingly Sheridan met with the leaders of the New Movement immediately after his arrival. It does not appear, however, that they had anything to do with locating the military post, a site for which had been selected by General Augur, Commander of the Department of the Platte, a short time before. It was about three miles northwest from Provo, between the Bench and Utah Lake. There Camp Rawlins, named after the Secretary of War, was founded in April, 1870. At first it was occupied by a detachment of troops from Camp Douglas, but these were soon withdrawn and several companies from the East stationed there.

GENERAL SHERIDAN.

The Pratt-Newman Discussion.—During the summer of that year, an event of unusual interest occurred at the Utah capital, and for several days held the attention of the country at large. It was a debate between Dr. John P. Newman, Chaplain of the United States Senate, and Elder Orson Pratt, one of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints, upon the question, "Does the Bible Sanction Polygamy?" Dr. Newman, who was Pastor of the Metropolitan Methodist Church in Washington, had preached against polygamy before President Grant and other leading men, while Congress was considering the Cullom Bill. His sermon was published in the New York Herald, and replied to by Elder Pratt; parts of the controversy being republished in the Deseret News. Edward L. Sloan, acting editor of the Salt Lake Daily Telegraph, which had passed into non-"Mormon" hands and was about to suspend publication, suggested in one of the issues of that paper that Dr. Newman was wasting his ammunition by preaching against plural marriage in Washington, and might better come to Utah and discuss the question in public with Orson Pratt or some other prominent

"Mormon," in the largest hall available. This banter, Dr. Newman construed as a challenge from Brigham Young, to discuss polygamy with him in the great Tabernacle. Accordingly he came, accompanied by Reverend Dr. Sunderland, and was much chagrined, upon arriving, to learn that President Young had given no such challenge and did not intend to debate with him. A spirited interchange of letters followed, and it was then arranged that a discussion should take place in the Tabernacle, but with Orson Pratt as the "Mormon" champion.

"Does the Bible Sanction Polygamy?"—The Pratt-Newman discussion began at 2 p. m., on Friday the 12th of August, and continued during the two succeeding afternoons. Three umpires presided, though only to preserve order and insure fair play; it being understood that no decision would be rendered. The umpires were Judge Zerubbabel Snow—chosen by Elder Pratt; Associate Justice Cyrus M. Hawley—selected by Dr. Newman; and United States Marshal M. T. Patrick, who was agreed upon by the other umpires. Immense throngs attended the debate, which was continued in the newspapers for sometime afterwards.

As a matter of course, public opinion was divide over the result. Both men were learned; and Newman was the more eloquent; but Pratt proved to be the better logician. As a scriptorian he was equal, and as a Hebrew scholar superior, to his opponent. Leading American newspapers expressed the view that the Chaplain of the Senate was "out of his depth in the discussion," and that someone "carrying more guns than Dr. Newman" would "have to be sent out missionarying among the Mormons." The Philadelphia Press conceded to Elder Pratt "a most effective argument," and declared that force alone could settle the "Mormon" question.

Governor Shaffer and the Nauvoo Legion.—Governor Shaffer, as stated, had determined to limit what he considered the abnormal power wielded by Citizen Brigham Young. General Babcock, in reporting to Secretary of War Stanton (October 1866), had represented that the Utah Militia, instead of being under the control of the Governor, was under the authority of the Church or Brigham Young; and President Lincoln seems to have been under a like impression when, in April 1862, he called upon the Ex-Governor for a company of cavalry, to guard the Overland Route. Next to the Governor, Lieutenant-General Wells was the chief militia officer, and he, being Brigham Young's second counselor in the First Presidency, was looked upon as one with the head of the Church. To lessen the power of General Wells, therefore, was to diminish the power of President Young. So reasoned "The War Governor."

General Wells, on the 16th of August, 1870, ordered the usual fall musters of "The Nauvoo Legion"—as the militia was still titled—to be held in the various military districts, not later than the first of November. Governor Shaffer was absent from the Territory when this order was issued, but immediately upon his return he countermanded it, forbidding the militia to muster or train without orders from the Governor or the United States Marshal. By proclamation dated September 15th he appointed P. E. Connor Major General, and William N. Johns Colonel and Assistant Adjutant General, and directed that all arms and munitions belonging to the Territory or to the United States then in possession of the militia, be delivered to the last-named officer without delay.

General Wells wrote to Governor Shaffer, requesting a suspension of the order prohibiting the musters until November 20th, so as to enable Adjutant General Clawson to make a complete report of the militia and fully comply with the terms of the proclamation respecting the delivery of arms and munitions. The Governor, however, refused to modify his order. He answered General Wells as follows:

Governor Shaffer to General Wells.—

"Executive Department, Utah Territory,
Salt Lake City, October 27, 1870.

Daniel H. Wells, Esq.

I have the honor to acknowledge the receipt of your communication of yesterday, in which you sign yourself "Lieutenant-General commanding the militia of Utah Territory." As the laws of the United States provide for but one Lieutenant-General, and as the incumbent of that office is the distinguished Philip H. Sheridan, I shall certainly be pardoned for recognizing no other.

In your communication you addressed me as "Commander-in-Chief of the militia of Utah Territory." It is now twenty years since the act to organize this Territory was passed by the Congress of the United States, and, so far as I am informed, this is the first instance in which you, or any of your predecessors, in the pretended office which you assume to hold, have recognized the Governor of this Territory to be, as the Organic Act makes him, the Commander-in-Chief, etc. My predecessors have been contemptuously ignored, or boldly defied. I congratulate you and the loyal people here, and elsewhere, on the significant change in your conduct.

You do me the honor to ask me to suspend the operation of my proclamation of September 15th, 1870, prohibiting all musters, drills, etc. In other words, you ask me to recognize an unlawful military system, which was originally organized in Nauvoo, in the State of Illinois, and which has existed here without authority of the United States, and in defiance of the Federal officials.

You say: "Whereas, to stop the musters now, neither the terms of the proclamation, the laws of the Territory, nor the laws of Congress, etc., could be complied with." That is, my proclamation cannot be carried out unless I let you violate it. Laws of the Territory which conflict with the laws of Congress must fall to the ground unless I permit you to uphold them, and the laws of Congress cannot be com-

plied with unless I will let you interpret and nullify them! To state the proposition is to answer it.

Mr. Wells, you know as well as I do, that the people of this Territory, most of whom were foreign-born, and are ill-acquainted with our institutions, have been taught to regard certain private citizens here as superior in authority not only to the Federal officials here, but also in Washington. Even since my proclamation was issued, and on a public occasion, and in presence of many thousands of his followers, Brigham Young, who claims to be, and is called, "President," denounced the Federal officials of this Territory with bitter vehemence, and on a like occasion, about the same time, and in his (Young's) presence, one of his most conspicuous followers declared that Congress had no right whatever to pass an organic act for this Territory; that such was a relic of colonial barbarism, and that not one of the Federal officials had any right to come to, or remain in, this Territory.

Mr. Wells, you ask me to take a course which, in effect, would aid you and your turbulent associates to further convince your followers that you and your associates are more powerful than the Federal Government. I must decline.

To suspend the operation of my proclamation now, would be a greater dereliction of my duty than not to have issued it.

Without authority from me you issued an order in your assumed capacity of lieutenant-general, etc., calling out the militia of this Territory to muster, and now you virtually ask me to ratify your act.

Sir, I will not do anything in satisfaction of your officious and unwarranted assumption.

By the provisions of the Organic Act, the Governor is made the commander-in-chief of the militia of the Territory, and, sir, as long as I continue to hold that office, a force so important as that of the militia shall not be wielded or controlled in disregard of my authority, which, by law, and by my obligation, it is my plain duty not only to assert, but, if possible, to maintain.

I hope the above is sufficiencly explicit to be fully understood, and to supersede the necessity of any further communication on the subject.

I have the honor to be, etc.,

(Signed) J. W. SHAFFER,

Governor and Commander-in-Chief of Utah Territory."

General Wells to Governor Shaffer.—In "An Open Letter to Governor Shaffer," published in the Deseret News, General Wells presented the following points of reply:

1. The law of Congress providing for one Lieutenant-General also provides for five Major Generals and eight Brigadier Generals. Does the Governor mean to imply that these positions in the regular army preclude the recognition of Major Generals and Brigadier Generals of militia in any of the States or Territories?

2. Other laws of Congress limit the number of Assistant Adjutant-Generals, and forbid new appointments, until further notice, in the Adjutant General's Department. These laws also provide for the election by the people of all general militia officers in the Territories, in such manner as the respective Legislatures shall provide. If these are the only laws of Congress

that obtain in Utah, how can Governor Shaffer reconcile with them his appointment of a Major General and an Assistant Adjutant General of militia by proclamation?

3. The office of Lieutenant General in this Territory is not a "pretended office," as Governor Shaffer's defective information has made him believe, but an office created by the Utah Legislature in February, 1852, and not transported from Illinois, as erroneously asserted. Moreover, General Wells has never had any "predecessor" in this office since the organization of the Territory.

4. Governor Shaffer is either "strangely ignorant" or he "wilfully misrepresents," when he declares that this is the "first instance" in which General Wells has recognized the Governor of Utah as Commander-in-Chief of the Territorial Militia. For eight years he recognized Governor Brigham Young in that capacity, and has recognized all succeeding Governors in the same way. Furthermore, they have recognized him as Lieutenant General, and he has been acknowledged as such in all official correspondence with officers of the regular army, and by Federal officers in and out of the Territory. Governor Shaffer stands distinguished as the first who, in reply to a respectful communication, has so far forgotten what is due from a man holding his position as to ignore the common courtesies always extended between gentlemen.

General Wells went on to say that he had requested the temporary suspension of the decree forbidding the musters, in order that complete returns of the militia might be made in accordance with an Act of Congress, approved March 20, 1803. How this could be construed as an attempt to "nullify" the laws of Congress escaped his penetration. It appeared to him that Governor Shaffer's proclamation was calculated to produce that result. As for the alleged conflict between the laws of the Territory and the acts of Congress, that was mere assertion, incapable of proof.

In allusion to what had been said in public meetings, General Wells declared that public officers were supposed to be public property, so far as their official acts were concerned, and subject to the scrutiny of the people. "Every man under our Government," said he, "has the right to free speech, and to express his opinions concerning the acts of public officers—a right, moreover, which is generally indulged in by all parties. I am not aware that President Brigham Young has 'denounced the Federal officials of this Territory with bitter vehemence,' or that if he has, I am responsible therefor, or that I should be held responsible for the opinion of any other gentleman in regard to the power of Congress to organize a Territorial Government."

In conclusion the General said: "I am of the opinion that the people of the Territory, according to the Constitution, have the right to bear arms; that the Legislative Assembly had the right to organize the militia; that Congress had the right to declare that the general officers should be elected by the people, in such manner as the respective legislatures of the States and Territories may provide by law; that the Governors of the States and Territories are the commanders-in-chief of the militia, the same as the President of the United States is commander-in-chief of the armies and navies of the United States, with Generals and Admirals under him commanding; that the military organization of our Territory follows that of the Federal Government more closely, perhaps, than that of any other Territory or State in the Union; and that Governors and Commander-in-Chiefs are as much creatures of law as any other officers, and while they exercise a higher jurisdiction, they are as amenable to law as the humblest officer or citizen."

A Military Riot.—Governor Shaffer still refusing to suspend the operations of his order, General Wells directed that the military musters be postponed. Meantime a most unpleasant incident had occurred, for which some of the newly arrived Federal troops were responsible. Just one week after the issuance of the proclamation disarming and disbanding the militia—for that was the ultimate effect of the Governor's decree—a party of drunken soldiers, forty in number, raided the town of Provo by night, destroying property, breaking into houses, and abusing citizens. The rioters, who were from the neighboring military post, had needle guns, bayonets and revolvers, and did not hesitate to use them. The marauding continued until a body of citizens, arming themselves, pursued the peace disturbers. A few shots were fired, and the riot was quelled without bloodshed. The provocation for the outbreak was a refusal on the part of some of the citizens to sell liquor to these soldiers or rent to them their dancing halls.

Shaffer and De Trobriand.—The affair at Provo was much regretted by the military authorities, particularly by Major Osborne, the officer in charge at Camp Rawlins. Governor Shaffer likewise deplored it, all the more since it enabled the citizens to complain of and satirize the "moral force" which had been sent to assist him in maintaining law and order in this supposedly turbulent Territory. The Governor endeavored to place responsibility for the trouble upon General De Trobriand, the commander at Camp Douglas, who was in no way to blame for what had happened; the soldiers at Camp Rawlins not being under his command. It was suspected that the real cause of the Governor's attitude toward De Trobriand,

was the latter's friendly social affiliations with some of the prominent "Mormons;" conduct quite out of harmony with the exclusive policy of the Executive. A heated correspondence between Shaffer and De Trobriand found its way into the public prints, and occasioned much comment in and out of Utah.

The Rioters Court-Martialed.—The Camp Douglas commander, acting under special instructions from General Augur at Omaha, investigated the Provo riot, meeting for that purpose with Major Osborne and leading citizens of that town, in the latter part of September. Concurrently with a civic investigation, a court martial inquiry was held at Camp Rawlins. Major Osborne, and subsequently General De Trobriand, offered to turn over to the civil authorities, for trial and punishment, the men implicated in the disturbance. But the City Marshal declined to receive them, giving as his reason that a recent ruling by one of the Federal Judges had withdrawn criminal cases from the jurisdiction of the Probate Courts, and it was therefore likely that if he (the Marshal) took charge of the prisoners they would soon be released on a writ of habeas corpus, issued from the District Court.

GENERAL SHERMAN.

Subsequently there was an investigation of the riot at the headquarters of the Department of the Platte, and the responsibility for the affair was placed upon the officers and soldiers of those companies that were present for duty at that date. The amount of damages fixed upon by the Mayor of Provo, was ordered to be paid to the injured parties without delay; and this was done.

General Sherman's Visit.—Early in October Utah was honored with a visit from General Sherman, the Chief Commander of the United States Army. The eminent soldier, accompanied by his daughter, and by General Schofield and other military officers, was returning from a tour through California and Oregon. The party registered at the Townsend House, and during their stay had a very sociable interview

with President Young and other Church leaders, at the President's Office. One evening, while Sherman was still at Salt Lake City, he was serenaded by the Parowan Choir, which happened to be in town, attending the Semi-Annual Conference. The war-worn veteran had been serenaded the same evening by the Camp Douglas Band, and had then declined to address the throng that gathered in front of the hotel, clamoring for a speech. But he could not resist the sweet singers whose music touched his heart, especially when they sang, "Hard Times, Come Again No More." In a feeling response the General thanked the Choir in happy vein, and expressed the hope that the good people of Utah might long enjoy the homes they had created in the wilderness, and that for them, indeed, "hard times" might "come again no more."

GOVERNOR VAUGHAN.

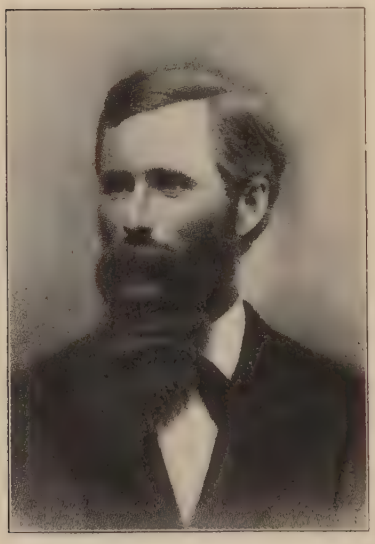
Death of Governor Shaffer.—Governor Shaffer died on the last day of that month. His wife had recently passed away at their old home in Illinois, and this grief doubtless hastened his end. All due honor was paid to the deceased, and to the authority that he represented. On "Mormon" and "Gentile" buildings alike, flags were hung at half mast. After the funeral, which was conducted by Reverend G. M. Pierce, at the Executive residence, the remains were escorted by the Masonic Fraternity, by Camp Douglas troops, and by Federal, Territorial and City officers, to the Utah Central Railroad station, where they were consigned to Freeport, Illinois, for interment.

Governor Vaughan.—The same afternoon a dispatch from Washington announced the appointment of Vernon H. Vaughan as Governor of Utah, with George A. Black as Secretary of the Territory. Mr. Vaughan had held the latter office under Governor Shaffer, and Mr. Black had been the Governor's private secretary. Both were young men of limited experience.

The Wooden Gun Rebellion.—About the time that the military musters would have taken place had they not been prohibited, a hundred or more Salt Lake militiamen, some of them carrying wooden guns, held a drill on the Twentieth

Ward Square, near the site of the present Lowell School. Governor Vaughan was absent, but Secretary Black, acting in his stead, had eight of the officers arrested and taken before Associate Justice Hawley, who, after a hearing, bound them over to await the action of the Grand Jury. These officers were Andrew Burt, Charles R. Savage, William G. Phillips, James Fennamore, Charles Livingston, George M. Ottinger, Archibald Livingston, and John C. Graham. Declining to give bonds, they were placed in charge of the military authorities at Camp Douglas. They were kindly treated; Colonel Henry A. Morrow, in temporary charge during the absence of General De Trobriand, allowing them the freedom of the Camp. The failure of the Grand Jury to indict them ended the episode known as "The Wooden Gun Rebellion."

Governor Woods.—Governor Vaughan's tenure of office was very brief, extending only from October, 1870, to January, 1871. It had been understood at the time of his appointment that it was only to fill an interregnum, while President Grant was making up his mind upon a more suitable person for the place. Among those mentioned in this connection were Colonel O. J. Hollister and General P. E. Connor; but neither of them was chosen. The appointment went to George L. Woods, a Missourian by birth, who had just completed a four years' term as Governor of Oregon. He was appointed in January, and took the oath of office in March.



GOVERNOR WOODS.

Council and Committee Disagree.—In the summer of 1871, Salt Lake City proposed to celebrate, with more than usual "pomp and circumstance," the Nation's birthday. Accordingly a committee representing all classes of citizens was appointed by the City Council for that purpose. Another committee, representing the "Gentiles" and their affiliations, purposed holding a separate celebration. Efforts were put forth for a joint observance, as in past years, but not until both committees had gone to work with a will, and preparations were in a forward state. The "Gentiles" were willing to coalesce under a new arrangement, and make over-

tures to that end; but the City Authorities did not see their way clear to cancel what had been done, and deeming their non-partisan committee amply able to manage the affair in the interest of all the citizens, they declined to make any change. Whereat there was hot resentment in the opposite camp. The "Mormon City Council" was charged with "acting upon their old principle of participating in nothing unless they can be masters and dictators of the whole affair," and an appeal was issued to the miners in the adjacent camps to come in and help along the "Gentile" observance of Independence Day.

Acting Governor Black's Proclamation.—General Daniel H. Wells, at the request of the Municipal Committee, ordered out a few companies of militia to assist in the celebration. Governor Woods, the chairman of the other committee, was then in the East, and Secretary Black, who had been re-appointed, was once more Acting Governor. He, in pursuance of the policy inaugurated by Governor Shaffer, issued a proclamation on the last day of June, forbidding all persons in Utah to take part in any military drill, muster, or parade, until so ordered by the Governor. Black was so much in earnest that he called upon the commander at Camp Douglas to enforce with troops his decree against the militia companies that were preparing to parade on the Fourth of July. De Trobriand informed the Acting Governor that his command would be in readiness up to the point of presenting arms, but the word to "fire" he would not give; Black must do that himself. The matter was pressed no further. The companies called out by General Wells marched in line, but were not under arms, and the soldiers who came down from the post were present only as spectators. There was no collision on Independence Day.

Two Celebrations.—The observance of the national holiday was carried through to a finish, both celebrations being very creditable. The one managed by the Municipal Committee was much the larger, and consequently more imposing. After the procession, exercises were held in the Tabernacle, where Chaplain Orson Pratt, in an earnest invocation, besought the Almighty that "the whole of this vast continent, from the North Pole even to the uttermost extremity of South America," might "come under the dominion of Freedom" and "the rule of this great Republic." David McKenzie read the Declaration of Independence, and speeches followed from George Q. Cannon and John T. Caine ("Mormons"), and from Alexander Majors and Thomas Fitch ("Gentiles"). The other celebration presented some original features, mostly due to the miners, who had responded enthusiastically to the appeal

of the "Gentile" Committee. In the pageant, as it moved toward the Liberal Institute, wagons with displays of ore and bullion were seen, probably for the first time in Utah. T. A. Lyne, the veteran actor, read the immortal Declaration, and addresses were delivered by Amasa M. Lyman, Colonel Jocelyn, William S. Godbe, Judge Toohy, E. L. T. Harrison, and Major Hempstead—all "Gentiles" or ex-"Mormons."

The Liberal Coalition.—The coalition between "Gentiles" and "Godbeites" had as its avowed object a reform in Utah politics. The Liberals, or a considerable element among them, hoped by conservative and careful action not only to enlist all citizens outside the People's Party under their leadership, but likewise to draw largely from the ranks of that organization. In August, 1871, there was to be an election for members of the Legislature, and while there was no likelihood that the coalition would win, its leaders were hopeful of polling a vote large enough to surprise their opponents. The contest was practically limited to the legislative council district comprising Salt Lake, Tooele, and Summit counties. On the Liberal ticket were J. Robinson Walker, Samuel Kahn, Wells Spicer, and C. C. Beckwith. The People's candidates were Wilford Woodruff, George Q. Cannon, Joseph A. Young, and William Jennings.

Radicals and Conservatives.—A ratification meeting was held in the Liberal Institute on the 22nd of July. The audience included representatives of all classes; it having been intimated that "Anti-Mormonism" would be barred from the proceedings. Governor Woods presided and made a preliminary address. He refrained from discussing local politics, but expressed a wish to add to the prosperity of the Territory. He then introduced General Maxwell, who stirred up the meeting with a violent "Anti-Mormon" harangue. His assertion that the Liberal Party had brought "supremacy of law and safety of life and property," and his attack upon past political management in Utah, were loudly cheered; but when he denounced polygamy and all who practiced it, the reception given to his harsh expressions soon made him aware of the blunder he was committing toward some of his own partisans. Endeavoring to retrieve his error, he ruffled still further the feelings of Godbe, Kelsey, and other leaders of the coalition.

After Maxwell closed, there were loud calls for "Toohy" —Judge Dennis J. Toohy, of Corinne. He, failing to profit by the experience of the former speaker, began his tirade as follows: "Here in Utah sensuality and crime have found a congenial home; here immorality has been lifted up where virtue ought to reign." In the midst of a most abusive attack upon the "Mormon" Church, he began to eulogize the Catholic

Church, whereupon he was called to order by Edward W. Tullidge, who demanded that he confine himself to political issues, and not obtrude his religious views upon the audience.

Tullidge, after Toohy had taken his seat, mounted the rostrum and spoke his mind still further, stating that he was as much opposed to the theocracy of Rome as to that of Salt Lake, and between the Pope and Brigham Young, could not see "difference enough to split," etc. Cheers and hisses followed this remark, and Kelsey then took the platform. He considered himself insulted by the speeches of Maxwell and Toohy and defended the "Mormon" people against the assaults made upon them. Avowing himself a polygamist, and declaring that he would sacrifice his life rather than repudiate his wives and children, he hurled back the epithet "hogs," which Toohy had applied to men of his class. The meeting was now in an uproar, but Governor Woods, with a few timely remarks, succeeded in restoring order, and paving the way to a self-controlled if not peaceful adjournment.

In a letter to the Tribune, a day or two later, Mr. Kelsey thus expressed himself: "The small but active element that seeks control of the Liberal Party is filled with bitterness, and would fain inaugurate a social and religious war upon the people of this Territory. * * * No party which harbors designs against the peace and welfare of the people of Utah shall ever have my co-operation."

The Tribune as Peacemaker.—The Tribune attempted to oil the troubled waters. Said that paper editorially: "The Liberal Party of Utah has a noble mission—one worthy of the best efforts of the best men of the Territory. * * * * Narrowness, uncharitableness, bitterness, and prejudice should be banished from the party councils, and denied a hearing in the public meetings. * * * We can oppose the union of Church and State without stopping to quarrel about church doctrines. Polygamy is a social if not a religious institution of the Territory, and it is established in such a manner that it cannot be suddenly extirpated. Neither is there any necessity for such violent measures. It is an institution which, if let alone, will die of itself, for the simple reason that it is not in harmony with its present surroundings. It needs no opposition. On the contrary, persecution will but serve to prolong its life. Having the good of the Liberal Party at heart, and ardently desiring its success, we here protest against the attempt some weak, misguided men are making to force this political organization into a raid on the domestic institutions of the Territory, an object entirely foreign to its original design and the present desire of nine-tenths of those who organized and now compose the Liberal Party of Utah. The

party has legitimately nothing to do with social questions, and with religious questions nothing further than to oppose the union of priestly with political rule."

End of the Coalition.—All to no purpose. The coalition was at an end. "An utter failure"—such was its epitaph, written by one of its own supporters. The Salt Lake Herald declared the Liberal Party dead, "disembowelled by its own hands." This conclusion, however, was premature. The Liberal Party continued its career, but the "Godbeites" had little to do with it thenceforth in the matter of shaping its destiny; their moderate policies being overwhelmed by the pronounced "Anti-Mormon" spirit of the organization. For a time the names of Godbe and Harrison remained at the head of the Tribune columns, and Tullidge continued upon the paper as an editorial writer. But its managing editor was Oscar G. Sawyer, who had previously been connected with the New York Herald staff. From April 15, 1871, when the Liberal organ was rechristened "The Salt Lake Tribune," it was issued as a daily paper. The change of title was followed by a change of tone; the Tribune abandoning its conservative policy and beginning a fierce warfare upon the "Mormon" Church.*

*Prior to his connection with the Tribune, Mr. Sawyer had succeeded Colonel Findley Anderson as the New York Herald's special correspondent in Utah. Colonel Anderson reported the Pratt-Newman discussion for that great journal. Another special correspondent in the Territory about that time, was the afterwards famous humorist, Bill Nye.

XXII.

JUDGE McKEAN AND HIS "MISSION."

1870-1872.

"Anti-Mormonism" in Power.—The removal from office of Chief Justice Wilson and Secretary Mann indicated something of the policy of the National Administration toward Utah. Those officials were displaced for their conservatism in the face of radical conditions that were deemed necessary to a proper solution of "The Mormon Problem." Their independent course was construed as semi-subserviency to the power against which the Federal Government, through its local representatives, had arrayed itself. They were denominated "Jack Mormons"—an epithet borrowed from the politics of Illinois, and bestowed upon all "Gentiles" suspected of cherishing anything in the nature of a friendly feeling toward the followers of Joseph Smith.

"The Ring."—At the fore-front of the "Anti-Mormon" party stood a combination known as "The Ring," composed of Federal office-holders and others equally hostile to the so-called "Dominant Church." This combination, in some respects, was all powerful. They had but to ask and they received from Washington whatever was considered essential to their success as "reconstructionists." It was a request from them that caused the removal of the conservative Judge and Secretary; and there is little doubt that the transfer of General De Trobriand from Camp Douglas to another military post, a few months later, resulted from like influences exerted against him at the seat of Government. Circumstances placed at the head of this puissant combination, Judge Wilson's successor, Chief Justice James B. McKean.

Chief Justice McKean.—Judge McKean received his appointment to the Utah Bench in July, 1870, and arrived at Salt Lake City on the last day of August. He was a native of Vermont, had been a colonel of volunteers during the Civil War, and at the time of receiving his Western appointment was practicing law in New York City. A scholarly gentleman, though not a great jurist, he was pure and exemplary in his private life. The Associate Justices, Hawley (already mentioned) and Obed F. Strickland—the former from Illinois, the latter from Michigan—were men of fewer virtues, though one with the Chief Justice in all things pertaining to the "Anti-

Mormon" movement that was about to be inaugurated. Strickland had succeeded Drake, resigned; and Hawley, Enos D. Hoge, removed. The twain had held their offices since April, 1869.*

JUDGE MCKEAN.

McKean's Attitude.—Chief Justice McKean endeavored to accomplish in a judicial way what Governor Shaffer had sought to achieve by executive methods. Acting upon the theory that the "Mormon" Church was disloyal, and its leaders tyrannical and corrupt, he proposed to put an end to such conditions by any means in his power. Judge McKean was not only a moral man; he was religious—a devout member of the Methodist Church, owing his appointment, it was said, to Dr. John P. Newman, who was very influential with President Grant. McKean believed that he had a divinely appointed mission in Utah, to the carrying out of which he was evidently prepared to subordinate all other considerations. "A sort of missionary exercising judicial functions," "a very determined man," "of considerable personal courage," "but not fit to be a judge." Such was the pen portrait drawn of Chief Justice McKean, by Ex-Congressman Thomas Fitch, then a leading lawyer at Salt Lake City.†

*Judge Hoge, who was from Illinois, though a resident of Utah at the time of his appointment by President Johnson, was removed at the incoming of the Grant Administration. He continued to reside here, and was a prominent member of the Utah Bar. His removal had led to an interesting contest, which was not determined until September of that year. Judge Hoge maintained that the President of the United States had no power, according to the Organic Act of Utah, to remove Territorial Judges except for malfeasance, until the four years' term for which they were appointed had expired, and that the appointment of Judge Hawley was therefore invalid, and gave him no right to the place. The case was ably argued on both sides, and was decided in favor of the new appointee.

†"In January, 1872, in the Ebbett House in Washington, D. C., Judge McKean avowed his principles to Judge Louis Dent, brother-in-law of the President, in these precise words: 'Judge Dent, the mission which God has called upon me to perform in Utah is as much above the duties of other courts and judges as the heavens are above the

Judge McKean's attitude, barring the element of religious zeal, was that of all or most of the Federal officers who were allowed to hold positions in Utah during that period. They arrayed themselves as a unit against the "Mormon" Church, particularly the leaders of that organization, and policy they set out to execute was watched approvingly, if not directed, from Washington. Dr. Newman, smarting under his polemic defeat at the hands of a "Mormon" Apostle, and Vice President Colfax, equally embittered against the Church Authorities, had returned from the West firmly resolved to use their influence with President Grant toward a speedy and effectual settlement of the Utah question.* So successful were they and others like them in engrafting their views upon the mind of the Chief Magistrate, that all Government representatives in the Territory who manifested a conservative spirit, were removed, and their places filled with men who could be relied upon to carry out the stern policy of the Administration. "Anti-Mormonism" was in the saddle, backed by the power of the Federal Government, and it was freely predicted that "the Man who had conquered the South" would make short work of subduing "rebellious Mormondom."

Objects in View.—The object of the Powers upon the Potomac was to assert and maintain the authority of the Nation over the Territory, which authority they had been made to believe was not recognized by the majority of the people here. Incidentally they proposed to curtail the temporal activities of the "Mormon" Church, and prosecute some of its principal men for alleged offenses against the laws. So much for the object of the Government. The purpose of "The Ring" was to get the upper hand, and govern Utah to suit themselves. "Mormon" rule was hateful to them, and they wanted "Anti-Mormon" rule substituted, regardless of majorities or minorities. A Legislative Commission was their pet scheme, often advocated, but never realized. What this would have meant for the founders of the commonwealth, the people of the North were not in a position to fully realize; but those of the South—such of them, at least, as were under the heel of "carpet-bag" domination—could sense the situation to the uttermost. And it was

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earth; and whenever or wherever I may find the local or federal laws obstructing or interfering therewith, by God's blessing I shall trample them under my feet." See Tullidge's "Life of Brigham Young," pp. 420-421. Also Roberts' History of the Mormon Church, "Americana" for November, 1914, p. 953, including footnotes; also p. 954.

*The New York Tribune, commenting upon what followed, said: "The prosecution of the Mormons was known to be a distinctively Administrative measure, set on foot by the advice of Reverend J. P. Newman, after his return from Salt Lake."

this consideration, as much as anything, that made their representatives in Congress, then and at a later period, loth to strengthen by special legislation the hands of plotters toward similar ends.

Not All Alike.—This is not intended as an arraignment of an entire class. Not all the "Ringites" were of the office-seeking element. Some of them were men of splendid qualities, and of patriotic purpose. Their designs were not predatory. It was the zeal of the reformer, not of the place-hunter, that fired their souls. They hated "Mormonism," or what they supposed was "Mormonism"—hated it sincerely, intensely; and their hatred warped their judgment upon everything connected with it. To them it was "a desperate disease," requiring "a desperate remedy." The McKean coterie had honest aims. Their chief fault lay in the unfair methods by which they sought to encompass those aims.

Local Legislation Set Aside.—One object of attack at the opening of the campaign against "The Mormon Power," was the Utah statute creating the offices of Territorial Marshal and Territorial Attorney-General; a statute dating back to the year 1852. By that law the Territorial Attorney-General was required to attend to all legal business before the courts where the Territory was a party, and to prosecute Indians accused of crime under the local statutes; while the Territorial Marshal was to execute all orders and processes of the Supreme and District Courts in cases that arose under the laws of Utah. This arrangement left to the United States District Attorney and United States Marshal the legal business arising under the Acts of Congress. The General Government defrayed all expenses incident to the settlement of United States business in the courts, and the Territory assumed the cost of its own. This law, with another, giving to Probate Courts a general civil and criminal jurisdiction, had been in operation, under the implied sanction of Congress, for a period of eighteen years.

Orr versus McAllister.—Some time before the arrival of Chief Justice McKean, and while Judge Wilson was still upon the Utah Bench, a case had come up in the District Court at Salt Lake City, involving the rival claims of the United States Marshal, J. Milton Orr, and the Territorial Marshal, John D. T. McAllister. The proceedings were on a writ of quo warranto, defined by Blackstone as "a writ brought before a proper tribunal to inquire by what warrant a person or corporation exercises certain powers." Judge Wilson decided that Mr. Orr was the proper officer to perform the duties of Marshal in the District Court. Wilson's intent was not to arbitrarily set aside the law vesting that right in the Territorial Marshal, but to

have the much mooted question, which had vexed the Utah courts for a generation, determined by competent judicial authority. It was understood between Judge Wilson and the "Mormon" attorneys, Snow and Stout, that an appeal would be taken for that purpose, and the Judge volunteered all the information he possessed upon the subject. Accordingly the case went up to the Supreme Court of Utah, and was docketed with one similar, the parties to which were Charles H. Hempstead, United States District Attorney, and Zerubbabel Snow, Attorney-General for the Territory. This case had also been appealed from the Third District Court.

Territorial Officers Ousted.—In March, 1871, the Supreme Court, then consisting of Chief Justice McKean and Associate Justices Hawley and Strickland, affirmed the judgment of the District Court, and ruled out the Territorial Marshal and Attorney General. Those magistrates held that the tribunals over which they presided were United States Courts, to be governed only by the Acts of Congress. The Utah Legislature had no authority to prescribe rules for their guidance, and the Territorial officers could not legally attend to any of the business of their courts. Such was the substance of their decree.

Probate Courts Curtailed.—Prior to this decision, Judge Hawley, at Beaver, in the Second District, had ruled against the Probate Courts, holding that they had no jurisdiction in criminal cases, nor in any save those pertaining to proof of wills and administration of estates; an attitude in which he was sustained by the other members of the Supreme Court. The effect of this ruling was to discharge from custody one Morgan L. Peden, who had recently been convicted of assault with intent to kill Isaac Riddle, and sentenced for two years and six months' imprisonment in the Penitentiary. Peden, on regaining his liberty, instituted proceedings in the District Court against Judge Murdock, Sheriff Hunt, and Isaac Riddle, for damages in the sum of fifty thousand dollars; the basis of the action being his trial and conviction in the Probate Court. Peden's release vindicated the foresight of the Provo City authorities at the time of the raid by soldiers from Camp Rawlins. When General De Trobriand offered to surrender the men implicated in the riot, that they might be tried and punished under the civil law, the City Marshal, it will be remembered, declined to receive them, on the ground that "a legal decision of recent date" had "withdrawn criminal cases from the jurisdiction of the Probate Court," so that the prisoners, if taken into custody by him, "would soon be released on a writ of habeas corpus issued from the District Court."

The Englebrecht Case.—Shortly before Judge McKean's administration began, a case had arisen that was destined to

have a weighty bearing upon his fortunes. This case had its origin while Judge Strickland was presiding temporarily in the Third District Court. A liquor-dealing firm, of which Paul Englebrecht was the senior partner, had violated the ordinances of Salt Lake City by selling liquor at retail under a license permitting them to sell it only at wholesale; and as the result of their continued disobedience—for they had been fined repeatedly for such infractions of the law—their establishment, on August 27, 1870, was abated by the police. Barrels and kegs containing whiskey, brandy, wine, and beer, were rolled into the street, ends knocked in, and contents poured into the gutter. All vessels containing liquor, and every article used in its sale, were destroyed, but the officers were careful not to injure any other property found upon the premises. The work was done as quietly as possible, and was witnessed by a multitude of people.

City Officers Under Arrest.—Upon the complaint of Mr. Englebrecht and his business associates, Alderman Jeter Clinton, who had issued the warrant of abatement, with City Marshal John D. T. McAllister, Chief of Police Andrew Burt, and other officers who had helped to execute the legal process, were arrested by the United States Marshal, and after a hearing before Judge Strickland, were placed under bonds to await the action of the Grand Jury. A criminal charge was the basis of their arrest, but a civil suit was also planted against them. Such was the situation at the opening of the District Court in September.

CHIEF BURT.

An Illegal Grand Jury.—The grand jurors summoned for that term of court had been obtained in a manner not sanctioned by law. The jury law of the Territory made it the duty of the County Clerk, in the presence of the Territorial Marshal or the Sheriff, to draw jurors by lot from the names of taxpayers found upon the county assessment rolls. Refusing to be governed by this statute, Judge Strickland had ordered the grand jurors to be selected by the United States Marshal, upon a writ of

open venire. Before the venire was returned, Judge McKean was installed in the Third District, and Judge Strickland assigned to the First, the seat of which was at Provo.

While the Grand Jury was being empaneled, the attorneys for the city officers in the Englebrecht case challenged the array, and filed a motion to set it aside. Arguments followed, and the Judge then rendered his decision, the substance of which was that the Third District Court, being a United States Court, was governed by the Acts of Congress, and not by the laws of the Legislature. This being the case, the method by which these jurors had been obtained—a method prescribed by Congress for circuit and district courts in the States of the Union—was lawful and proper. The challenge was therefore overruled, and the Grand Jury accepted and sworn.

Indictment, Conviction, and Appeal.—The sequel was an indictment against Alderman Clinton and the officers who had abated the liquor store. Their act was described as "a wilful and malicious destruction of property." For such an offense the laws of Utah allowed as damages three times the value of the property destroyed. They were tried in the District Court, where a verdict was rendered against them, sustaining the claim of the liquor dealers for the sum of $59,063.25, or three times the amount of the damage done. The Supreme Court of the Territory affirmed this decision, and the case was then carried on appeal to the Court of Last Resort.

A Change of Prosecutors.—About this time United States Attorney Hempstead resigned his office, unwilling, it was said, to be a party to the radical procedure then going on in the Federal Courts. Pending the appointment of a successor, Judge McKean placed the duties of public prosecutor upon Robert N. Baskin, who had been the attorney for the liquor dealers in the Englebrecht case. Judge Baskin brought to the discharge of his new duties, not only talent and experience, but an intense hostility to the "Mormon" Church, the main object of attack in the judicial operations that were now beginning. The assistant to the Acting U. S. Attorney was General Maxwell, Register of the Land Office, who is said to have volunteered his legal services. Forthwith these zealous officials prepared to launch a series of criminal prosecutions against men prominent in the "Mormon" community.

Federal Courts Without Funds.—At this juncture, however, a temporary set-back was experienced, owing to a lack of funds with which to defray the expenses of these and other prosecutions. The Legislature had made the usual appropriation for the Federal Courts, but had expressly provided that the money should be drawn and disbursed by the Territorial Marshal, which office, so far as the decision of those courts could

affect it, had ceased to exist. Consequently there was now no proper person to draw and disburse the money. The Territorial Auditor, William Clayton, to whom Marshal Patrick applied for warrants upon the Territorial Treasury, refused to sanction the payment of funds to any person not authorized by law to receive them, and the Comptroller of the National Treasury declined to audit bills for the expenses of the District Courts, except those incurred in the settlement of United States business. This caused a deadlock in the Third Judicial District.

Judge to Jurors.—Judge McKean, summoning the grand and petit jurors before him, read an address to them, in which he contrasted the prompt payment by the United States Government, of the expenses of the Utah Legislature, with the refusal by that body to permit the expenses of the United States Courts to be paid. He virtually placed the blame upon the "Mormon" Priesthood, and inveighed against them in severe terms. He then excused the jurors, after thanking them for their attendance, and adjourned his court sine die.

The newspapers now took up the theme, and from the Pacific to the Atlantic, Utah affairs were freely discussed. One Western paper—the Carson (Nevada) Register—referring to Chief Justice McKean and his attitude upon the Bench, pungently put the matter thus: "If his court is a United States Court, of course the United States is bound to pay the expenses. * * * Judge McKean was simply caught in one of his own traps. Like every man who deviates from trodden paths of precedent and law, he is liable to get scratched with legal briars, and break his neck over unknown principles." Many other journals expressed similar views.

The Deadlock Continues.—The deadlock in the Third District Court continued for several months. A personal visit by Judge Strickland to the national capital, to explain matters and procure funds, failed of its object so far as finances were concerned. Until Congress or the Legislature would act, no public money could be made available. Whatever the mood of Congress, the Legislature, whose laws had been set aside by Judge McKean and his associates, did not feel disposed to do anything for the relief of the situation.

Transfer of the Penitentiary.—In the summer of 1871 United States Marshal Patrick took possession of the Utah Penitentiary, which was then under the control of the Territorial Warden, Albert P. Rockwood. The transfer was under the provisions of an act of Congress passed in January of that year, giving to United States Marshals in the Territories authority to take charge of penitentiaries that were the property of the Nation. The Utah Penitentiary, standing upon the foothills

southeast of Salt Lake City, had been jointly erected and was held to be jointly owned by the Nation and the Territory. Warden Rockwood hesitated, therefore, to surrender it upon a mere verbal demand from Marshal Patrick, and expressed a wish to have the matter adjudicated. To this proposal the Marshal would not accede, and without further ado seized the institution over the Warden's protest.*

Federal and Territorial Prisoners.—Marshal Patrick had likewise been empowered to take charge of all United States prisoners who might be serving sentence in the Utah Penitentiary, and had been given permission to contract with "the proper authorities" for the board and care of the convicts of the Territory. The Marshal demanded the surrender, not only of United States prisoners, but of Territorial convicts as well. For the board and care of the latter, he had taken a contract from Governor Woods, acting for and in behalf of the Territory. There was some opposition to this arrangement, it being contended that since the people would have to "pay the bill," the Legislature, and not the Executive, was "the proper authority" in the premises. To the peremptory demand for the Territorial prisoners, the Warden demurred, protesting that an order should first be issued by a competent court. Patrick then seized all the prisoners he could find, and conveyed them to the Penitentiary.

The Case of Kilfoyle.—One convict was missing, a man named Kilfoyle, who had been sentenced for murder to a long term of imprisonment. Refusing to surrender Kilfoyle without an order of court, Warden Rockwood and City Marshal McAllister were arrested for resisting the United States Marshal in the discharge of his duties. Judge Hawley, sitting in chambers of the Third District Court, heard the case early in September. Acting U. S. Attorney Baskin, assisted by Judge Morgan, prosecuted the charge, and Judge Snow, with the law firm of Fitch and Mann, defended Rockwood and McAllister.

During the proceedings, as reported in the local press, there was a hot interchange of "compliments" between counsel and other persons present. Mr. Fitch, possessor of a keen wit and a ready tongue, contended that habeas corpus would have been a better way to test the question as to who was the proper custodian of Kilfoyle. "However," he added ironically, addressing the Judge, "we have perhaps to congratulate ourselves that the services of your Honor have been invoked at all; the defendants in this case have perhaps reason to be thankful that force and violence have not been resorted to. Per-

*The absolute ownership, by the Nation, of the Territories and their belongings, was a doctrine stoutly asserted, and as stoutly denied, in those days. Marshal Patrick was an exponent of one view, and Warden Rockwood of the other.

haps we may congratulate ourselves that the guns of the Fort have not been turned on the City, the City Hall surrounded with cavalry, infantry and artillery, and the Warden compelled at the point of the bayonet to surrender his prisoner."

"That would have been my way to do it," retorted Mr. Baskin.

Mr. Fitch—"I presume Mr. Baskin would have knocked the City Hall and City Jail down."

Baskin—"I would that."

Fitch—"The acting law officer of the United States informs us that he would have 'let loose the dogs of war,' had his advice been followed and his wishes consulted. And why were they not? Where was the power which, with all the pomp and circumstance of war once interfered to prevent by arms a peaceful parade of American citizens on the Fourth of July? Was it asleep, ashamed, or afraid?"

Governor Woods (from his seat on the right hand of Judge Hawley)—"Neither, my lord."

Mr. Fitch—"I am assured by the Executive of the Territory of Utah, who honors us with his audience, and encourages the prosecution with approving smiles, that my surmises are incorrect. The Executive of the Territory perhaps agrees with the opinion once expressed by the present President of the United States, that the Justices of the Supreme Court are 'members of the Governor's staff,' and who designs possibly to give your Honor, as his staff officer, the benefit of his protecting presence, while at the same time he stands ready to answer questions of defendant's counsel, whether he be the party interrogated or no—"

The Court—"This discussion is becoming exciting, and I shall not permit further remarks outside of the case."

Mr. Fitch—"I beg your Honor's pardon, but I have not traveled out of the proper line of argument, except to comment upon interruptions made irregularly by Mr. Baskin, and improperly by Governor Woods. Since, then, we are to be tried before being punished, I will now proceed to the consideration of the important questions involved."

At the conclusion of the hearing, Judge Hawley decided that Marshal Patrick had ex officio right to the custody of the prisoner, and that Rockwood and McAllister ought not to have refused to surrender him. He was also of the opinion that the Governor could make a contract that would be binding upon the people of the Territory. Each of the defendants was held in bonds of one thousand dollars, to answer to the Grand Jury.

Judge McKean Reopens Court.—Money to pay the expenses of the Third District Court was obtained from private sources; one of the contributors to the fund, which was de-

signed as a loan, being U. S. Marshal Patrick, who was a well-to-do property owner in Omaha. He advanced several thousand dollars to the cause. The deadlock thus being broken, operations were resumed. Judge McKean reopened court in Faust's Hall, September 18, 1871. Just before the Grand Jury was empaneled, Judge Hoge, Mr. Fitch, Major Hempstead, Mr. Miner, and other attorneys challenged the array of jurors, on the ground that they had been summoned and selected by open venire, and not according to law. The attorneys raised the point in order to safeguard the interests of their clients, whose cases would come before the court. The challenge was overruled, and the empaneling of the Grand Jury proceeded.

Examination of Grand Jurors.—The first "Mormon" grand juror examined was George Q. Cannon, editor of the Deseret News. In answer to questions put to him by the prosecuting attorney, Mr. Cannon affirmed himself a Latter-day Saint, and a believer in the doctrine of plurality of wives. He did not believe that a man committed adultery in living with more than one wife, married to him according to divine revelation. Mr. Cannon was excused, as were Hiram B. Clawson and James Townsend, the only other "Mormon" jurors present. Judge McKean, it should here be stated, had begun to deny citizenship to "Mormon" aliens on similar grounds.

Proceedings Against Plural Marriage.—It was now evident that the public prosecutor was about to proceed against the practice of plural marriage, which Congress, in 1862, had made punishable as bigamy. The Anti-Bigamy Law, however, was not to be invoked in these prosecutions, but a Territorial statute, enacted ten years earlier, against adultery and other sexual sins; a statute much more severe than the Act of Congress passed for the special purpose of meeting polygamous cases. The maximum penalty for adultery was imprisonment for twenty years, and a fine of one thousand dollars; while the punishment for a polygamous marriage was five years' imprisonment and a fine of five hundred dollars. Under the Territorial law there was no time limit for such prosecutions, and no appeal could be taken to the Supreme Court of the United States. Moreover the local law was to be applied to polygamous cohabitation, a point left untouched by the Act of Congress.

The Law's Intent.—It is a well known legal maxim that courts, in interpreting laws, must be governed by the manifest intent of the law makers. The Utah Legislature, in enacting a law against adultery and lascivious cohabitation, had not intended to strike at plural marriage; all or most of the members of that body being "Mormons," some of them men with plural wives. Governor Young, who had approved the meas-

ure, was well known to be a polygamist. The proposed prosecution of men of his class under the Territorial statute, therefore, was looked upon as a wresting of the law from its true purpose.

Indictments and Arrests.—Early in October a warrant of arrest was served upon President Young, who had been indicted by the Grand Jury of Judge McKean's court for lewd and lascivious cohabitation; the basis of the indictment being his association with his plural wives. Adultery was not charged in this case, doubtless for the reason that none of the defendant's wives had lodged complaint against him; and without such complaint no prosecution for this crime could be begun under the laws of Utah. Having been ill for several days, President Young was permitted by Marshal Patrick to remain in his own home; a deputy marshal being left upon the premises.

Next morning Mr. Fitch, of counsel for the defense, made application for an extension of time, and requested that President Young be admitted to bail. Assistant Prosecutor Maxwell objected to bail prior to the defendant's plea, and gruffly demanded that Brigham Young come into court, "the same as anybody else."* Judge McKean declined to admit the defendant to bail, but granted the extension of time asked for by his attorney. At the Judge's suggestion, also, the deputy on guard was withdrawn; President Young being left practically upon his own recognizances, to appear in court and answer to the indictment as soon as he was able. Others arrested on the same charge, were Mayor Wells, George Q. Cannon and Henry W. Lawrence. The indictment of the last-named gentleman, who was connected with the "Godbeite Movement," gave a show of impartiality to the proceedings.

"A System on Trial." The pending question having been argued, President Young was admitted to bail in the sum of five thousand dollars. Arguments upon a motion to quash the indictment consumed several days, and on the 12th of October Judge McKean rendered a decision, in the course of which he said:

"Let the counsel on both sides, and the court also keep constantly in mind the uncommon character of this case. The Supreme Court of California has well said, 'Courts are bound to take notice of the political and social condition of the country they judicially rule.' It is therefore proper to say, that while the case at bar is called 'The People versus Brigham Young,' its other and real title is, 'Federal Authority versus Polygamic Theocracy.' The Government of the

*General Maxwell's physical condition was said to be largely responsible for the ill temper that he often displayed. A fearless fighter, he had been shot almost to pieces during the Civil War, and was a constant sufferer from his wounds.

United States, founded upon a written Constitution, finds within its jurisdiction another government claiming to come from God—imperium in imperio—whose policy and practices are, in grave particulars, at variance with its own. The one Government arrests the other, in the person of its chief, and arraigns it at this bar. A system is on trial in the person of Brigham Young. Let all concerned keep this fact steadily in view; and let that government rule without a rival which shall prove to be in the right."

Judge McKean then overruled the motion, and the defendant pleaded not guilty. Further proceedings were postponed, to enable both sides to better prepare for trial.

Judge McKean's statement that the real title of the case at bar was "Federal Authority versus Polygamic Theocracy," and that a system was on trial in the person of Brigham Young, created a big sensation. It was equivalent to an affirmation that the United States Government was prosecuting a Church for an offense committed by one of its members, and proposed to punish an individual for the alleged evils of a system. All over the country, the attitude and language of the Chief Justice were commented upon and criticised.

Associated Press Tactics.—Efforts were made by those in control of the Associated Press to mislead the public mind relative to affairs in Utah. Two days before the arrest of President Young, and before it was publicly known that an indictment had been found against him, the New York Herald published a special dispatch from Salt Lake City, stating, under flaring headlines, that Brigham Young had been indicted; that there was great excitement in consequence; that the Deseret News was advocating open resistance to the laws, endeavoring in every way to incite the people to rebellion; that the "Mormons" were arming themselves, and that a disastrous collision between them and the "Gentiles" was imminent.

One of these statements was true; the others were absolutely false. Brigham Young had been indicted, but neither he nor his friends were aware of it; and the fact that the sender of the dispatch was informed forty-eight hours in advance, showed that someone had betrayed the secrets of the Grand Jury room. The author of the dispatch, according to Mr. Tullidge, was Oscar G. Sawyer, managing editor of the Tribune, for which journal, the same historian declares, Judge McKean was permitted to write editorial articles, sustaining his own court decisions. Mr. Tullidge was then one of the Tribune directors. He, with others, denounced Sawyer for the manner in which he was conducting the paper, and finally compelled his resignation.*

Senator Morton and Party.—Early in October, United

*Tullidge's History of Salt Lake City, pp. 588, 590.

States Senator Oliver P. Morton passed through Utah, on his way to the Pacific Coast. With him came a small party including his wife and child, also Mrs. Lippincott, better known by her literary name of "Grace Greenwood," and Mr. W. P. Fishback, editor of the Indianapolis Journal. They arrived at Salt Lake City on the second day of the preliminary hearing in the case of the People versus Brigham Young. The Indiana statesman was a spectator, one afternoon, in Judge McKean's court. Senator Morton was then a cripple, but he requested to be carried to the court room, so strong was his desire to be present at these extraordinary proceedings.

What he thought of them, Mr. Fishback afterwards expressed in correspondence to his paper. It was understood that his views and those of the Senator were identical upon the subject. "By no recognized rule of interpretation," said the distinguished journalist, "can polygamy be punished under this law. * * * It was clearly intended by its framers to punish prostitution and fornication in cases where there was no claim or pretense of marriage. However illegal, the Mormon marriages are de facto marriages, and were not contracted in violation of this statute. That they are contrary to the Act of Congress is clear, and they should be attacked, if at all, by the United States authority under that law. To use the Federal tribunals for the punishment of polygamists under the Territorial Act, is a manifest perversion of the law." He denounced the "trickery" and "pettifogging style" of "the prosecution in Judge McKean's court," and expressed the opinion that the Government was being forced into "a false and untenable position."

The Chicago Fire—Utah's Relief Offering.—Just before the arrival of the Morton Party, tidings of the Chicago Fire had been flashed to every corner of the Nation, touching the hearts of millions, and kindling instant sympathy for the tens of thousands of unfortunates who were rendered homeless by the holocaust. Calls for help came simultaneously, and the response from Utah was generous and immediate. At an afternoon mass meeting, called by Mayor Wells, and held in the Old Tabernacle, speeches in behalf of the Chicago sufferers were made by Captain Hooper, Thomas Fitch, Mrs. Lippincott, Major Hempstead, Alexander Majors and Judge Snow. Subscriptions for over six thousand dollars were secured on that occasion. At night the meeting reconvened in front of the Salt Lake House, where speeches were delivered and additional subscriptions obtained. A benefit performance at the Theatre, and a lecture by Mrs. Lippincott at the same place, with other contributions, swelled the relief fund from Utah to nearly twenty thousand dollars.

"Grace Greenwood" and Brigham Young.—Mrs. Lippincott, in a letter to the New York Herald, describing the Tabernacle mass meeting (October 11th), said: "Here we saw Brigham Young, and I must confess to a great surprise. I had heard many descriptions of his personal appearance, but I could not recognize the picture so often and elaborately painted. I did not see a common, gross-looking person, with rude manners, and a sinister, sensual countenance; but a well dressed, dignified old gentleman, with a pale, mild face, a clear gray eye, a pleasant smile, a courteous address, and withal a patriarchal, paternal air, which of course he comes rightly by. In short I could see in his face or manner none of the profligate propensities and the dark crimes charged against this mysterious, masterly, many-sided and many-wived man. The majority of the citizens of Salt Lake present on this occasion were Mormons, some of them the very polygamists arraigned for trial, and it was a strange thing to see these men standing at bay, with 'The people of the United States' against them, giving generously to their enemies. * * * There is to me, I must acknowledge, in this prompt and liberal action of the Mormon people, something strange and touching. It is Hagar ministering to Sarah; it is Ishmael giving a brotherly lift to Isaac."*

The Hawkins Case.—The case against President Young never came to trial; but another, almost as widely known, passed through the courts. Thomas Hawkins, a tinsmith, had been accused by his wife, Harriet Hawkins, of "numerous adulteries," and upon her statement, made first to the Acting U. S. Attorney, and afterwards to the Grand Jury, the defendant was indicted and brought to trial. Hawkins had three wives, and the alleged adulteries proved to be his associations with one or both of the women whom he had wedded after his marriage with the complainant. Having been convicted in the District Court, he was sentenced by Judge McKean to pay a fine of five hundred dollars and to be imprisoned at hard labor for three years. Commenting upon this result, the Omaha Herald said: "A greater outrage was never perpetrated in the name of law." The Supreme Court of the Territory affirmed the decision, and meanwhile the defendant was released on bail.

Devious Methods.—The Fitch Review.—The methods by

*About that time the Deseret Telegraph Line was completed to Pioche, Nevada; a great boon to that prosperous mining town. Viewed from Utah, it was Sarah—Salt Lake—ministering to Hagar—Pioche—in the wilderness. It was Isaac "giving a brotherly lift" to Ishmael; and thus Ishmael responded: "President Brigham Young: We thank you for your enterprise in placing us in telegraphic communication with the outer world." P. Edward Connor and others were the signers of this dispatch.

which Hawkins was convicted, were afterwards set forth by one of the Court's attorneys, Mr. Fitch, in a review of which the following is an excerpt:

"The Act of Congress governing the mode of procedure in criminal cases in the courts of the United States, gives to the accused ten peremptory challenges to the jury, against two accorded to the prosecution; while the Territorial law governing the mode of procedure in criminal cases in the Territorial courts, gives the prosecution and the accused six challenges each. The Act of Congress referred to bars all prosecutions for non-capital felonies (except forgery) not instituted within two years from the date of the offense, while the Territorial laws contain no statute of limitations. The Territorial laws provide that in non-capital cases the jury which finds the man guilty may prescribe the punishment. The Act of Congress is silent upon this subject, and of course leaves the power of sentence where, in the absence of statutory regulation, it would belong, with the Judge.

"As Judge McKean had ruled that his was a United States Court, the counsel for Hawkins asked the Court to give their client the benefit of the ten challenges allowed by Act of Congress. Judge McKean refused, and allowed only the six permitted under the laws of Utah. The defendant's counsel requested as an instruction to the jury that the law of Congress protected the defendant for acts committed two years before the finding of the indictment. Judge McKean refused, because the Territorial laws prescribed no limit for prosecutions. The counsel asked the Judge to allow the jury to fix the punishment as prescribed by the Territorial laws. He refused that also. He pursued the practice of a United States Court when the jury was being selected; of a Territorial Court when the jury were being peremptorily challenged. He pursued the practice of a Territorial Court when the Act of Congress would have limited the prosecution; of a United States Court when the jury might, under Territorial law, have been more lenient in prescribing punishment than the exigencies of a great, burning 'mission' would warrant.

"What authorities were cited? What precedents invoked? What chain of reasoning offered to sustain these judicial usurpations?—None."

Mr. Fitch further showed "that the four important provisions of the discarded Cullom Bill"—whose author had become the public prosecutor—were "all in successful operation," having been "decreed and established by James B. McKean." Those provisions, the reviewer summarized as follows: "No choice of jurors except by a United States Marshal, no Mormon to serve on juries, the abrogation of the common law rule that a wife cannot testify for or against her husband, and the new doctrine that marriage in criminal cases can be proven by admissions of the defendant."*

*The author of the Cullom Bill, in a quasi-defense of that measure published in recent years, says: "All of the provisions of the Cullom Bill, except a few minor ones, were afterwards enacted by Congress and enforced in Utah." Nobody will dispute this statement; but the stubborn fact remains that those provisions were not so "enacted" when Judge McKean permitted them to be "enforced in Utah." Consequently they were unlawful.

Other apologists for extreme procedure in the Federal Courts of

More Sensational Prosecutions.—The Hickman-Beadle Story.—The crowning sensation of the year was the arrest of a number of prominent citizens—all members of the "Mormon" Church—charged with the crime of murder. Their accuser was William A. Hickman, a self-confessed slayer of men, who, having been excommunicated from the Church, retaliated upon its leaders and some of his former associates, by asserting that he committed his misdeeds under their direction. The Acting U. S. Attorney, to whom Hickman told his story, induced the so-called "Danite" to go before the Grand Jury of the Third District Court and repeat the gruesome tale. The result was the indictment of Daniel H. Wells and Hosea Stout, charged with being accessory to the killing of one Yates, represented to have been a trader on Green River at the time of the Echo Canyon War; also the indictment of Brigham Young and William H. Kimball, accused of complicity in a similar affair, the alleged "putting out of the way" of a man named Buck, near the Warm Springs, during the same period. Both men were reputed to be spies. An account of these alleged killings was put into a book entitled "The Confession of Bill Hickman," written by himself, but edited before publication by J. H. Beadle, of dime novel notoriety. Hickman's narrative was written at Camp Douglas, where he was kept before and after his interview with the Grand Jury.

The first of the four accused persons to be arrested was Daniel H. Wells, Mayor of Salt Lake City. He was taken into custody on the 28th of October. The arrest of Judge Stout and General Kimball followed. President Young was away, having started, a few days before, for Southern Utah, where he usually spent the winter. The persons in custody were conveyed to Camp Douglas, and there received kind and courteous treatment. Their "prison" was in the Officers' Quarters, and they were given the parole of the camp. General Morrow, who had succeeded General De Trobriand as post commander, had them sit down to dinner with him on the Sabbath, at his own family board, where he invited the venerable Mayor to invoke the divine blessing on the food.

Discredited Testimony.—East and West, the newspapers teemed with comments upon these sensational proceedings.

Utah, seem to think that every objection thereto is fairly met and fully answered by the cynical inquiry, "Was any innocent person convicted?" As if any kind of treatment might be meted out to a guilty person with the utmost propriety. The contention in this class of cases is not that the accused parties were always innocent of the acts charged against them, but that whether innocent or guilty, they were entitled to a fair trial, and, if convicted, to a legal conviction.

The Chicago Post, a paper not friendly to the "Mormon" leaders, expressed the hope that they were "about to receive their just deserts," but added: "It would be a little too farcical to convict and punish them on such testimony. * * * To take the evidence of the principal against an accessory, is something never heard of in any respectable court." The situation was a reminder to President Young's friends of a discourse delivered by him in December, 1866, wherein this sentence occurs: "Infernal thieves will come into my public office and sit ten minutes, and then go out and lead thoughtless persons into the practice of thieving, saying, 'It is all right; I have been up to see the President.' Such men will be damned." It was in the same discourse that President Young uttered the emphatic disclaimer: "If any man, woman or child, that ever lived, has said that Brigham Young ever counseled them to commit crime of any description, they are liars in the face of heaven."

Mayor Wells Admitted to Bail.—A writ of habeas corpus procured the early release of Mayor Wells on bail; an unlooked for event in view of the capital offense with which he was charged. Judge McKean overruled the angry objections of the prosecuting officers, giving as his reason that the defendant was the Mayor of Salt Lake City, and if kept at Camp Douglas would not be able to attend to the duties of his office, and could not therefore be held responsible for the peace and order of the town. The Mayor was required to furnish two sureties in the sum of fifty thousand dollars, and this being done, he was set at liberty.

President Young's Case.—President Young was still absent. With the understanding that his case—the one renamed by Judge McKean "Federal Authority versus Polygamic Theocracy"—would not be called until the spring term of court, he had taken, for the benefit of his health, a trip to St. George, there to pass the winter. His leading attorney, Thomas Fitch, supposing the case to have been postponed for the term, had left Utah and was in the East. To the surprise, therefore, of Major Hempstead and the other lawyers for the defense, the case was called on the 20th of November; the prosecuting attorney announcing his readiness to proceed with the trial.

Major Hempstead requested a postponement until March; but Mr. Baskin demanded the immediate forfeiture of the defendant's bonds. Judge McKean, after having the matter under advisement, fixed December 4th as the time for the trial to begin. It was now published throughout the land that Brigham Young had forfeited his bonds and fled from justice. The most extravagant tales were told concerning his conduct

and whereabouts. All the while he was sojourning at his winter residence in "Dixie."

Bates Supersedes Baskin.—About this time President Grant appointed a new District Attorney for Utah, in the person of George C. Bates, of Chicago. This gentleman arrived at Salt Lake City late in November, and was installed in office on the very day set for the trial of the "Mormon" leader. Mr. Bates asked that the case of the People versus Brigham Young be called, in order that the defendant, if present, might be heard, or if absent, that his bond might be forfeited. Major Hempstead protested against the proposed forfeiture, stating that his client would be forthcoming to answer any charge within a reasonable time. This statement seemed to satisfy the District Attorney, who had been under the impression that the defendant was purposely keeping out of the way. After a brief discussion between counsel and court, the case was set for trial on the 9th of January.

Judge Baskin, because he had prepared the case, was retained as an assistant to Mr. Bates; but United States Attorney General Akerman denied the latter's request for the employment of additional counsel. "The Government ought not to show any unseemly zeal to convict Brigham Young," remarked the Attorney General, in an official letter to Bates.

Robinson Murder Redivivus.—Pending further proceedings against the head of the "Mormon" Church, several other members of that body, all or most of them connected with the Salt Lake City Police force, were arrested on a murder charge —the killing of Dr. J. King Robinson in the autumn of 1866. An investigation, conducted by District Attorney Bates, assisted by General Maxwell, was held before Chief Justice McKean, beginning on the 14th of December. Hempstead and Fitch appeared for the defense. General Maxwell, with his usual extravagance, averred that "the entire police force of Salt Lake City" was "on trial;" a remark reminiscent of Judge McKean's declaration: "A system is on trial in the person of Brigham Young."

The Baker Perjury.—The main witness against the men in custody was one Charles W. Baker, a transient, who claimed to have been in Salt Lake City at the time Dr. Robinson was murdered. That very night—October 22nd—he with another man had attended the Salt Lake Theatre and witnessed a play in which Julia Dean Hayne took part. After the performance they walked down State Street to Third South, and thence to Main, where they heard a shot and a scream, and saw men running in different directions. Two of these men Baker took to be John L. Blythe, a grocer, and James Toms, a gunsmith, with whom he had had dealings. He left Utah before the

inquest began, and had since traveled in Nevada, California and Oregon. Such was the substance of his testimony.

In rebuttal of this man's statement, the defense proved by Thomas Williams, treasurer, John T. Caine, stage manager, and John C. Graham, actor, all three connected with the Salt Lake Theatre in 1866, that no performance was given at that house on October 22nd of the year mentioned. A bound volume of the Theatre programs was introduced in evidence of the fact. Moreover, it was shown that Julia Dean Hayne was not in Utah at that time, having gone to Idaho and Montana, after closing her engagement on the 30th of June preceding. Other flaws in the testimony of this witness were made apparent during the course of the investigation.

Baker afterwards admitted, and made affidavit to the effect, that he had committed perjury in giving that testimony. He stated that he had been hired to give it by certain persons [one of them a U. S. Deputy Marshal] who had paid his board at the Revere House during his detainment for that purpose; and that he had been furnished with a plat of the grounds and street near the place of the tragedy, that he might carefully study the same before he gave his evidence. Since then he had reflected upon the enormity of the crime he had committed in thus falsely swearing, and concluded to make amends so far as lay in his power. Hence the affidavit, duly signed, sworn to, and attested. Another witness, John Kramer, alias "Dutch John," testified that Baker admitted to him that he had "done some hard swearing" in this case, and had said that he had to do it, for he was "out of money."*

Cases of Alibi.—The other witness relied upon by the prosecution to prove the identity of Dr. Robinson's murderers, was Thomas Butterwood, a miner, who had also beheld two men running from the scene of the murder just after it was committed. He did not see their faces, but recognized their forms as those of Alexander Burt and Brigham Y. Hampton, whose acquaintance he formed later. In refutation of Butterwood's attempt at identification, it was proved by a number of witnesses that Mr. Burt, on the night of the fatal 22nd, was at home playing checkers with several friends, from half past nine until after twelve (the murder took place a little before midnight); and that he and Hampton, between nine and ten, had gone home together from a circus performance near the City

*Soon after Baker's confession of perjury President Young withdrew his standing offer of five hundred dollars for the arrest and conviction of the murderers of Dr. Robinson; it appearing that the various rewards offered for that purpose, aggregating nearly ten thousand dollars, constituted an inducement to unprincipled men to perjure themselves by engaging in schemes to convict innocent persons.

Hall; both these officers then residing in the western part of town. Hampton entered his house first, leaving Burt to pursue his way homeward. It also came out in evidence that Hampton was a semi-invalid at the time, troubled with pneumonia, and, according to the statement of his physician, Dr. J. S. Ormsby, "could not have run a block." Baker, in his affidavit, stated that after the investigation before Judge McKean began, he had a conversation with Butterwood, during which the latter informed him that he also had been hired to testify in this case, and that his testimony was not true.

Indicted and Imprisoned.—This man Baker seems to have been one who could change his principles and his attitude with about the same ease that a chameleon changes its colors. After signing and swearing to the affidavit in question, he was induced by someone to repeat his former story to the Grand Jury, and that body—a sample open venire creation—ignoring all evidence favorable to the accused, indicted Blythe, Toms, Hampton and Burt for murder. Judge McKean sent these men to prison, refusing a request from them, presented by counsel, for an examination of Baker on the charge of false swearing. The prisoners were kept first at the City Jail, and then at Camp Douglas.*

The "Mormon" Leader in Court.—Much astonishment was evinced in some circles, when it was learned, just as the new year dawned, that Brigham Young, the alleged fugitive from justice, had returned to face his accusers. Through mud and snow, through tempests and torrents, traveling mostly by team a distance of four hundred miles, the aged leader had come, in response to the Court's mandate, to answer the charges laid at his door. Or, as the Salt Lake Herald put it, "to show the little terriers who had been barking at him, that, strong in the conviction of justice and right, he had faith in the ultimate verdict of the people." Even the Tribune, with commendable magnanimity, half praised the conduct of the defendant on that occasion.†

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*Baker, charged with perjury, had a hearing before Alderman Jeter Clinton; Judge Hoge appearing for the people, and General Maxwell for the defendant. The latter waived examination and was remanded to the custody of the United States Marshal. Later he was released on a writ of habeas corpus, issued by Judge Strickland in the temporary absence of Judge McKean, and for a season disappeared from view. Baker's next appearance was in the role of a common thief, convicted of grand larceny in the Probate Court of Salt Lake County. This time Judge Boreman came to his rescue with a habeas corpus writ, ordering his liberation on the ground that the statute giving criminal jurisdiction to the probate courts was invalid.

†While President Young was on his way to Salt Lake City an incident occurred illustrative of General Connor's naturally generous disposition, and indicative of the change that had come over him

Bail Refused—Another Postponement.—It was January 2nd, 1872, when President Young, with his attorneys, appeared before Chief Justice McKean, and asked to be admitted to bail in the murder case then pending against him. His counsel represented that the defendant was feeble, being in his seventy-first year, and that confinement in the Penitentiary might prove fatal to him. District Attorney Bates did not oppose the request for bail, but wanted it fixed at five hundred thousand dollars; a proposition that brought Mr. Fitch to his feet with a protest against the excessive demand. He declared that the defense stood ready to furnish any bail that might be required, but the amount of half a million dollars was unprecedented in American criminal history.

Judge McKean refused to admit the defendant to bail, but out of consideration for his age and infirmities, he suggested that the United States Marshal, in the exercise of his discretion, might permit President Young to remain in his own home, guarded by deputy marshals. Marshal Patrick acted upon this humane suggestion.

Mr. Bates was now summoned to Washington, to report to the new Attorney General, Mr. Williams, upon conditions in Utah. At his request a postponement of further proceedings was ordered by Judge McKean.

McKean versus Bates.—Prior to his departure for the East, the District Attorney had been prevailed upon to use his influence so that President Young and other defendants might be admitted to bail. Attorney General Williams having consented, Assistant District Attorney James L. High made a motion to that effect in the District Court at Salt Lake City. Judge McKean denied the motion, and supplemented his refusal with a verbal attack upon the absent Mr. Bates, whom he accused of withholding information concerning these cases from the Attorney General, and of making misstatements relative to affairs in this Territory. McKean followed Bates to Washington, for the purpose of counteracting his influence there.

It was now apparent that the Chief Justice and the District Attorney did not see eye to eye. Mr. Bates had found

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since his first arrival in Utah. The President was at Beaver, when the General arrived at that point from Pioche, also bound for the Utah capital. Superintendent Musser of the Deseret Telegraph Line, who was a member of the President's party, requested from Connor the courtesy of silence, in order that the defendant's purpose to appear voluntarily in court might not be thwarted. The General willingly acceded, and seemed pleased at the confidence reposed in him. "Tell President Young," said he, "that if he desires it, I will go bail for him in any amount." The pledge to maintain secrecy was faithfully kept.

matters in a great muddle; one of his first discoveries being that the Federal courts in Utah were without Government funds, and that a debt of fifteen thousand dollars was piled up against them for means advanced by private individuals. He had resolved to make a plain statement of the situation to the national authorities, with a view to ending a condition of affairs that was fast drifting into confusion. Hence the trouble between him and Judge McKean.

First Biennial Legislature.—Let us now consider some events that were happening outside the judicial arena. The Legislative Assembly of the Territory of Utah, which had been meeting annually, convened in its first biennial session on the 8th of January, 1872. This change was in conformity to a recent Act of Congress. The place of meeting was the City Hall, Salt Lake City; and the session was made memorable by another effort for Statehood, launched by the people's representatives. Never before had they been so earnest in their endeavors to throw off the shackles of the Territorial system.

Constitutional Convention of 1872.—A bill providing for a Constitutional Convention passed both houses of the Legislature, but was vetoed by Governor Woods. The lawmakers then adopted a resolution containing the provisions of the vetoed bill, and appointed the 5th of February as the time for electing the delegates who were to compose the Convention. Distinctions of party and creed were set aside. The Salt Lake County delegation, when elected, stood as follows: "Mormons"—Orson Pratt, Albert Carrington, Aurelius Miner, John Sharp, Albert P. Rockwood, Reuben Miller, William Jennings, George Q. Cannon, John T. Caine and Zerubbabel Snow. "Gentiles"—David E. Buell, William Haydon, Thomas P. Akers, Thomas Fitch, P. Edward Connor, Enos D. Hoge, Frank Fuller, Eli M. Barnum and Hadley D. Johnson. General Connor declined to act, claiming that his residence was still in California.

For and Against Statehood.—The Convention chose as its permanent chairman, General Barnum. When the regular order of business was reached, Judge Haydon moved an adjournment sine die. He stated that he had been elected a member without his consent, and was opposed to a State government for Utah, giving as his reasons: (1) That the people had not declared in favor of it; (2) that the population of the Territory was insufficient;* (3) that the increased taxation

*The United States census for 1870 gave Utah a population of 86,786, of which two or three thousand were "Gentiles." The figures were considered incomplete, entire settlements having been omitted by the census takers.

would be an onerous burden on the citizens; and (4) that the Convention had been called without the authority of Federal or Territorial law. Most of these objections had been raised by Governor Woods in his veto message.

The motion led to a long and animated discussion, reaching to the close of the third day. The principal speakers were General Buell, Thomas Fitch, Colonel Akers, Hadley D. Johnson, General Barnum, George Q. Cannon, and Judge Haydon.

Fitch, "The Silver-Tongued."—Mr. Fitch made a masterly speech, embodying the review already mentioned, and advocating a concession regarding plural marriage. "I stand here today," said he, "to advocate the surrender of polygamy. * * * I am not here to attack polygamy from a theological, moral, or physical—but from a political standpoint. Certainly I do not propose to question the pure motives or the honesty of those who believe in and practice it. * * * All the advantages claimed for this system may be actual, but nevertheless the fact exists that polygamy is an anomaly in this Republic, existing hitherto by the sufferance of a people who now declare it shall exist no longer." The orator dilated upon Chief Justice McKean, referring to him as "that most dangerous of all public functionaries—a judge with a mission." There was no safety in Utah without a State Government, and there could be no State Government without concessions.*

*Mr. Fitch went on to say: "The mineral deposits of Utah have attracted here a large number of active, restless, adventurous men, and with them have come many who are unscrupulous, many who are reckless; the hereditary foes of industry, order, and law. This class, finding the courts and Federal officers arrayed against the Mormons, have with pleased alacrity placed themselves on the side of courts and officers. Elements ordinarily discordant blend together in the same seething cauldron. The officers of justice find allies in those men who, differently surrounded, would be their foes; the bagnios and the hells shout hosannas to the courts. * * * All believe that license will be granted by the leaders, in order to advance their sacred cause, and the result is an immense support from those friends of immorality and architects of disorder, who care nothing for the cause, but everything for the license. * * * Judge McKean and Governor Woods and the Walker Brothers and others are doubtless pursuing a purpose which they believe in the main to be wise and just, but their following is of a different class. There is a nucleus of reformers and a mass of ruffians, a center of zealots and a circumference of plunderers. * * * Every interest of industry is disastrously affected by this unholy alliance; every right of the citizen is threatened, if not assailed, by the existence of this combination. Your local magistrates are successfully defied, your local laws are disregarded, your municipal ordinances are trampled into the mire, theft and murder walk through your streets without detection, drunkards howl their orgies in the shadow of your altars, the glare and tumult of drinking saloons, the glitter of gambling hells, and the painted flaunt of the bawd plying her trade, now vex the repose of streets which beforetime heard no sound to disturb their quiet save the busy hum of industry, the clatter of trade, and the musical tinkle of mountain streams."

Judge Haydon's Speech. All but one of the speakers supported the Statehood movement. The exception was Judge Haydon, whose argument was able and eloquent. He eulogized Judge McKean, and criticized Mr. Fitch for his strictures upon Federal officers. With tactful diplomacy he entreated the "Mormon" delegates not to look with favor upon the proposition to surrender polygamy. "What would you think," said he, "of a Mohammedan who, to gain a peaceful entrance to a river and thereby enrich his coffers, would be willing to sacrifice the Crescent for the Greek Cross? * * * What will the world say of a convention composed almost entirely of Latter-day Saints, among whom are six Apostles and twenty Bishops, ready and willing to sacrifice one of their divine ordinances for the sake of a State government? Hearken to the words of a 'Gentile' who is no enemy of yours, but who has every reason to be your friend; who has no favors to ask except those that one Christian may rightly demand of another: Stay where you are and abide your time. 'Learn to labor and to wait' until a new ordinance shall manifest itself for your guidance."

To Judge Haydon's brilliant speech, Mr. Fitch wittily replied: "The difference between my colleague and myself may be briefly stated thus: I wish the people of Utah to give up McKean and polygamy; he desires the people of Utah to stand by polygamy and McKean."

The motion to adjourn was lost by a vote of ninety-three to one. The Ordinance and Bill of Rights, reported from committee on the fourth day, inquired of Congress what conditions relative to plural marriage would satisfy the Nation. But there was no thought of abandoning plural marriage, and no concession was made.

Close of the Convention.—The Convention closed, after electing Thomas Fitch, George Q. Cannon, and Frank Fuller, to co-operate with Delegate Hooper in presenting to the President and Congress the claims of the proposed State of Deseret. The Constitution was submitted to the people and ratified by a majority of nearly twenty-five thousand, there being only 365 votes against it. At the same time Mr. Fuller was elected Representative. About a month later the Legislature named William H. Hooper and Thomas Fitch as United States Senators.

National Political Organizations.—The labors of the Convention were supplemented by a partial organization of the national political parties. A call, signed by Frank Fuller, Daniel H. Wells, Thomas Fitch, William Jennings, and others, was issued to those holding Republican principles, inviting them to send delegates to a Territorial Convention, to be held

on the 5th of April, at Salt Lake City. The Democrats, represented by Thomas P. Akers, Hadley D. Johnson, Enos D. Hoge, and others, issued a call for a similar convention, to meet on the 8th of that month. This was the first real attempt to harmonize local with national politics. The Territorial Republican Convention chose Thomas Fitch and Frank Fuller, and the Territorial Democratic Convention, Thomas P. Akers and Eli M. Barnum, as delegates to the national conventions of their respective parties.*

"The Gentile League of Utah."—The leaders of the Liberal Party feared that Utah was about to be admitted into the Union. They would have considered such an event a calamity, even with polygamy surrendered. They were not fighting polygamy, except as an incident; some of the most ultra of the "Anti-Mormons" frankly confessing their indifference to it. Their real object of attack was the Church, or the power wielded by the Priesthood in temporal affairs; a power that would exist even were polygamy abandoned, and be entrenched, according to their view, all the more strongly behind Statehood. They therefore opposed Utah's admission, and held aloof from the proposed national alignments. "The Gentile League of Utah," which was formed about that time, had as one of its objects the defeat of the Statehood movement. Its main purpose, however, was the overthrow of "The Mormon Power."†

The Englebrecht Decision.—Such was the tense state of affairs, when the Supreme Court of the United States, on the 15th of April, 1872, rendered its decision in the Englebrecht case, an event of tremendous importance to this Territory. It was the unanimous expression of the Supreme Bench, and was voiced by Chief Justice Salmon P. Chase. According to that high decision, the District Courts in Utah were not United States Courts, in the sense that Judge McKean and his asso-

*Similar action was taken thereafter at the beginning of each Presidential campaign, but this was about all that resulted from the initial effort to divide the people of Utah on national party lines.

†The "G. L. U's" brooked no interference with their public proceedings. Some of them went armed and prepared to resent with violence any "coup d'etat" on the part of their opponents. At one of their open-air rallies, in front of the Salt Lake House, Judge Haydon threatened that if the populace interrupted the program, the street would be seen "running down with blood." At another out-door gathering the chairman, Judge Strickland, made a similar threat. "Napoleon's treatment of the Paris mobs" was cited as a precedent. The interruptions complained of were usually in the form of retorts, not always courteous, or denials to statements made by the speakers, some of whom were in the habit of assailing with harsh epithets the "Mormon" leaders. The "lie" would pass back and forth, and mutual irritation result.

ciates had held them to be; and the Territorial Marshal and Attorney General were legal officers of those courts. The Strickland-McKean ruling upon the selection of jurors was set aside, and the grand and petit juries formed thereunder were declared illegal and their findings void.

The effect of the decree was to quash over one hundred indictments, and to liberate from prison or release from bonds a large number of persons, including President Young and Mayor Wells; also Judge Stout, General Kimball, and the four men who had been indicted for the Robinson murder. "The righteousness of the decision," said the Chicago Post, "will be applauded throughout the country, despite the regret, equally universal, that such a decision must carry with it so many mortifying consequences." According to the San Francisco News-Letter, it was "a virtual declaration by the highest authority in the land, that no portion of the people of the United States—however abhorrent their religious faith—can be deprived of their liberties except by due process of law."

False Telegrams Refuted.—Sensational dispatches, alleging "a terrible condition of affairs" as the result of the Englebrecht decision, were sent from Salt Lake City, and published in the New York Herald, in the San Francisco Chronicle, and other influential journals. So abominably false were these reports, that many leading "Gentile" citizens, impelled by a sense of fairness, and in order that business men abroad who had interests in the Territory might not be misled, joined in a telegram to the press of the United States, refuting the statements put forth, and declaring that life and property were as secure in Utah as in any State or Territory of the Union.*

*The signers of this telegram were such men as Warren Hussey, president of the First National Bank; Theo. F. Tracy, agent of Wells Fargo & Co.; B. M. Durell, president of the Salt Lake City National Bank; Thomas P. Akers, Eli M. Barnum, Hadley D. Johnson, Robert C. Chambers, Joab Lawrence, A. W. Nuckolls, and George E. Whitney.

XXIII.

SUNDRY EVENTS IN THE SEVENTIES.

1872-1877.

The Japanese Embassy—Other Visitors.—Just before the meeting of the Constitutional Convention in 1872, Utah received a passing visit from the Japanese Embassy, including various dignitaries of the ancient empire. Their object in coming to America was to establish diplomatic and commercial relations with the United States. They were accompanied by Charles E. DeLong, United States Minister to Japan, and by the Japanese Consul at San Francisco. Salt Lake City entertained the visitors, and they were also the guests of President Young, at his home, and of General Morrow, at Fort Douglas. By that amended title the "Camp" had now become known.

During the following summer and autumn, the season of the Grant-Greeley presidential campaign, Senator John A. Logan, of Illinois, made a speech at the Liberal Institute. In his brief allusion to local affairs he referred to the rich resources of the country, and complimented the industry and energy of the people. His speech proper was a strong advocacy of the re-election of President Grant. Other comers that season were Secretary of the Interior Delano, Generals George B. McClellan, James A. Garfield, A. W. Doniphan, and Thomas L. Kane; Honorable James G. Blaine, Speaker of the House of Representatives; Cyrus W. Field, pioneer of the Atlantic Cable System; and Reverend Charles Kingsley, English author and Chaplain to Queen Victoria. All were hospitably entertained, Speaker Blaine and party by the authorities of Salt Lake City.*

Threatened Indian Outbreak.—The Indian troubles of 1865-1869 had ended all organized warfare on the part of the

*General Doniphan and General Kane were personages of special interest in Utah; the former having been a friend of Joseph Smith, and his attorney during the "Mormon" troubles in Missouri. General Kane, the mediator of 1858, accompanied by his wife and two sons, had traveled West for the benefit of his health, being an invalid from the effect of wounds received while fighting for the Union. During his stay, from November, 1872, to February, 1873 he visited Southern Utah and was the guest of President Young. Garfield's visit led to the christening of a steamer on the Great Salt Lake—"The General Garfield," which was used for many years as a pleasure boat. An attempt to navigate the Lake for commercial purposes had been made by General Connor and others several years before, when they launched the "Kate Connor," a small steamer designed to carry Rush Valley ores to Corinne.

savages in Utah; but the spring of 1872 witnessed some desultory depredations which threatened at one time a general outbreak. The primal cause was bad treatment of the red men by dishonest Government agents, and acts of lawlessness by renegade whites. These difficulties did not originate in Utah, but spread from the northern Territories to this region. Hostilities in Southern Utah and in Arizona had been barely averted by the good offices of Jacob Hamblin, Indian interpreter, who, at Fort Defiance, in November, had concluded a treaty of peace on behalf of the people of this Territory with the principal chiefs of the Navajos.

Special Agent Dodge.—Colonel G. W. Dodge, Special Indian Agent for the Government, sought to redress the grievances complained of by the savages. He distributed among them large quantities of flour, beef and other supplies; but these pacific measures did not suffice to placate the unruly. They became more and more insolent, and by persistent begging and stealing levied a burdensome tax upon the settlements in Central Utah. There was a series of raids, in which several white men were killed, and a large number of horses and cattle driven off.

At this time hundreds of Indians were paying friendly visits to the settlements of Sanpete, Sevier, Juab and Utah counties, and as some of them moved about in small companies, it was difficult to distinguish which of the roving bands were hostile. Colonel Dodge, to simplify the situation, ordered all peaceable red men to return to the reservations. He instructed the people not to feed them, as he would furnish them plenty if they obeyed orders. The savages were incensed, and matters looked threatening. Colonel J. L. Ivie, a militia officer, telegraphed to General Wells, asking if he should call out his regiment to defend the settlers; but General Wells was powerless, because of the proclamations of Governor Shaffer and Acting Governor Black, forbidding the militia to assemble and bear arms. Governor Woods, when appealed to, refused to rescind the prohibitive order.

General Morrow's Service.—At this juncture General Morrow took the field, with troops from Fort Douglas, and through the co-operation of friendly Indians and leading men in the settlements, secured a council with several chiefs, and made a treaty with them at Springville. The obedience rendered by the people to the Shaffer-Black edicts, in the face of such trying conditions, caused Morrow to express the opinion, in his report to Agent Dodge, that there was "not another American community in the Nation which would have endured half the outrages these people have endured, before rising up as one man to drive out the savage invaders at the point of the

bayonet." "On any principle of self defense," said the General, "they would have been justified." In the same report he recommended that some recompense be made to the people for their losses, and that this be done from the appropriation made by Congress for these tribes. Colonel Dodge replied: "I fully concur with you in all the statements you have made," and "I shall do everything in my power to bring such relief to the sufferers as the law will allow." The Agent also supported the General's application on behalf of the Indians, asking permission for a delegation of chiefs to visit President Grant; an application favorably acted upon in October, 1872, when four of the principal braves left Salt Lake City, in company with Colonel Dodge, to confer with "The Great Father at Washington."*

Utah Affairs in Congress.—"Anti-Mormonism" continued to rear its head in the halls of Congress. Delegate Clagett, of Montana, declared in the House of Representatives that freedom of speech and of the press and of public worship were unknown in Utah, and that Brigham Young had raised the British flag at Salt Lake City. Prominent "Gentiles" residing in this Territory joined in a request to Representative Sargent, of California, that he enter an emphatic denial of all such allegations. Delegate Hooper answered Clagett on the floor of the House, denouncing his radical speech as untrue from beginning to end. Mr. Clagett, who had introduced an "Anti-Mormon" measure, one of many presented during that period, followed up his verbal attack with a personal call upon President Grant, in company with Delegate Samuel A. Merritt, of Idaho. They urged upon the President the necessity of a special message to Congress on Utah affairs. The Chief Magistrate had already visited the judiciary committees of the Senate and the House, urging the immediate passage of the Logan Bill, which proposed to give to Federal officers in this Territory the powers they had exercised under the unlawful rulings of Judge McKean.

President Grant's Special Message.—The special message advised by the Montana and Idaho delegates came in February, 1873. It advocated special legislation providing for the selection of grand and petit jurors by persons entirely independent of those who were "determined not to enforce any act of Congress obnoxious to them;" and advised the taking from the

*The next Indian scare was in August, 1875, when certain agitators tried to mislead the Government by charging an alliance between "Mormons" and Indians; a reported attack upon Corinne by peaceable red men at or near Malad, being one of the fictions invented to impose upon the credulity of people at a distance. The "Corinne Scare" was a base fraud, fully exposed, but as usual the Indians had to suffer. All were ordered back to the reservations, including those who had become civilized and were peacefully cultivating the soil.

probate courts of "any power to interfere with or impede the action of the courts held by the United States Judges." The President expressed apprehension that unless Congress took immediate steps in this matter, turbulence and disorder would follow, rendering military interference a necessary result.

George Q. Cannon, Delegate.—Meantime, in August, 1872, George Q. Cannon had been elected to succeed William H. Hooper as Delegate in Congress. At the same election George R. Maxwell received 1,942 votes, as against 20,969, cast for Mr. Cannon. General Maxwell, who hade made an unsuccessful contest, two years before, against Captain Hooper, a monogamist, now entered the field against an avowed polygamist. He first protested against the issuance of the election certificate to his victorious opponent, charging him not only with polygamy, but with disloyalty. The Governor and the Secretary, before whom the protest was made, had no legal discretion in the matter, but must issue the certificate to the person receiving the greatest number of votes; this being the law upon the subject. Mr. Cannon, therefore, obtained the document. The contest was then carried to Washington.

Delegate Cannon presented his certificate of election in December, 1873, asking to be sworn in and admitted to his seat. Objection was raised by Mr. Merriam, of New York, who offered a resolution reciting that Mr. Cannon had taken an oath inconsistent with citizenship and his obligations as a Delegate, and was guilty of practices violative and in defiance of the laws. The resolution proposed a reference to the Committee on Elections. Mr. Cox, also of New York, opposed the resolution, and a motion made by him, that Mr. Cannon be sworn in, having prevailed, the oath of office was administered to the Delegate from Utah. The Committee on Elections, before whom the question was subsequently carried, decided unanimously in favor of Mr. Cannon, and a further effort to unseat him by an investigation of the charges made by General Maxwell also resulted adversely to the contestant.

The Poland Law.—President Grant, in his message to the Forty-third Congress, again urged upon the law-making body the necessity of legislation to prevent a state of anarchy in Utah. The result of this persistent prodding was the enactment of the Poland Law, the original bill for which was introduced in the Houes of Representatives, January 5, 1874, by Representative Luke P. Poland, of Vermont. The measure was vigorously opposed. The Utah Legislature attempted to ward it off by a memorial denying that the "Mormon" people were disloyal, and soliciting a committee of investigation. Matters went along until May, when Mr. Poland withdrew the

proposed measure, and substituted one more moderate, which became a law on the 23rd of June.

The Poland Law repealed the Utah statutes relating to the Territorial Marshal and Attorney-General, and placed the powers and duties of those officers upon the United States Marshal and District Attorney. The judgments and decrees of the Probate Courts already executed, and those rendered, the time to appeal from which had expired, were validated and confirmed, but the jurisdiction of such courts was limited in future to settlement of estates of decedents and to matters of guardianship and divorce. The jurisdiction of Justices of the Peace was slightly extended, and the appointment of U. S. Commissioners by the Supreme Court of the Territory, authorized. In trials for bigamy and polygamy, and in cases involving capital punishment, appeals were allowed to the Supreme Court of the Nation. The drawing of grand and petit jurors in each district was placed in the hands of the Probate Judge and the Clerk of the District Court; by which arrangement "Mormons" and "Gentiles"—majority and minority—were given equal representation on the jury list.*

McKean Reappointed.—Judge McKean's "mission" in Utah was practically ended; the Englebrecht decision having put a quietus upon it. But President Grant still stood by him; or, what was equivalent, still stood by Dr. Newman, to whose influence, according to report, McKean owed his assignment to the Supreme Bench of this Territory. Grant's loyalty to his friends was proverbial. Besides, it must not be forgotten that McKean, after all, had done nothing in Utah but carry out, in his own peculiar way, the "Anti-Mormon" policy of the Administration. During the same month that the Poland Law was enacted, the Chief Justice was honored with a reappointment.

Official Changes.—District Attorney Bates had been removed in December, 1872, and William Carey, of Illinois, appointed in his stead. About the same time General Maxwell succeeded Colonel Patrick as United States Marshal. Judges

*Judge Baskin cites the case of Ferris versus Higley, in which the Supreme Court of the United States declared void the act of the Territorial Legislature conferring upon the Probate Courts of Utah general jurisdiction in civil and criminal cases. He tries to make a point out of the fact that several individuals, convicted of capital crimes, had been executed under the judgments and decrees of those courts. "Of course," says he, "all the judgments and decrees rendered in said courts were void." This is a fair sample of Baskin's unfairness. He omits the date of the Ferris-Higley decision (November 16, 1874), which was several months after the enactment of the Poland Law, and fails to call attention to the fact that by that law "the judgments and decrees" which he pronounces "void," had all been "validated and confirmed." See Poland Law, Section 3, Compiled Laws of Utah 1888.

Hawley and Strickland had resigned in 1873, under a cloud of scandal; Hawley accused of bigamy, and Strickland of having purchased, with a worthless promissory note, the influence that secured his appointment as a Federal Judge; the holder of the note being his predecessor, Judge Drake. The places vacated by these discredited magistrates were next held by Phillip H. Emerson, of Michigan, and Jacob S. Boreman, of West Virginia. William M. Mitchell, of the former State, had been President Grant's first choice for successor to Judge Hawley, but influences exerted against him prevented his confirmation, and the appointment then went to Judge Emerson.

Military and Municipal Friction.—In the summer of 1874 there was some friction between the authorities at Fort Douglas and the Police Department of Salt Lake City. The sympathies and associations of many of the "boys in blue" were with the saloon element, which was hostile to the municipal officers because of their efforts to restrain the liquor traffic. Consequently there were frequent disturbances of the peace by drunken soldiers. The Secretary of War had issued a general order requiring all such offenders to be dealt with by the military authorities, and at Fort Douglas this was interpreted to mean immunity from arrest and prosecution by the Police Department. The immediate cause of the friction was an incident that took place on the 10th of June, when Thomas Hackett, a soldier, brutally assaulted an aged man, Ex-Associate Justice McCurdy; the assault occurring on the street in Salt Lake City. Hackett was arrested and taken to the City Jail. Next morning Lieutenant Dinwiddie demanded the prisoner from Police Justice Clinton, who refused to order Hackett's release. About noon Captain Gordon and a troop of cavalry appeared at the City Hall, and the officer, after an interview with Governor Woods, ordered his men to batter down the jail door. This they were not able to do, but tore part of the iron grating from a window, and liberated their comrade.

Soon afterward another offender from the post, one Frederick Bright, for drunkenness and disturbance, was fined five dollars and in default of payment committed to jail. The Fort Douglas authorities did not repeat the procedure of the Hackett case in the Bright affair, but secured a writ of habeas corpus, upon which the matter came before the Supreme Court of the Territory. That tribunal decided that the police had the right to arrest offending soldiers, but must surrender them upon a formal demand by the proper military officer, or they could be taken by force.

The decision was equitable, but perfect harmony was not immediately restored. This fact coming to the notice of Gen-

eral Sheridan, who arrived at Fort Douglas early in July, he caused the Thirteenth Infantry, General Morrow's command, to be superseded by the Fourteenth Infantry, under General John E. Smith. The latter regiment reached the post on the 27th of August.

Cannon Defeats Baskin.—The same month saw the re-election to Congress of George Q. Cannon, his opponent this time being Robert N. Baskin, who contested unsuccessfully the seating of the Delegate-elect. The election, which was also for county officers and members of the Legislature, was notable for a riot at Salt Lake City, and the capture of Tooele County by the Liberals.

The Election Riot.—The riot resulted from a collision between the Police and a special force of Deputies appointed by United States Marshal Maxwell under the so-called "Bayonet Law," a statute made for the reconstruction period in the South, but afterwards decided to be unconstitutional. Maxwell's attempt to control the election brought confusion and strife. During the afternoon Mayor Wells was about to enter the City Hall, when he was seized by Deputy Marshal J. M. Orr and roughly pulled into the crowd, amid shouts of "Kill him, kill him!" With his coat torn to ribbons, the Mayor was rescued and hurried into the building. Reappearing upon the balcony, he commanded the mob to disperse. The warning was greeted with yells of defiance and brandishing of weapons, whereupon the Mayor ordered the police to clear the path to the polls. The front doors of the City Hall, which had closed upon him and his rescuers, were now thrown open, and out came the police in solid column, charging upon the crowd, hitting right and left with their clubs, and putting to flight all who opposed them. Broken heads were plentiful, and numerous arrests followed. Mayor Wells and Chief of Police Burt were among those taken into custody; but at the hearing in their case, before U. S. Commissioner Toohy, it was found that their conduct during the riot had been in pursuance of their official duties, and the charges against them were dismissed.

In Tooele County.—The election result in Tooele County was made possible by the absence of a registration law. Electors were required to be residents and taxpayers, and could vote only in the precinct where they resided; the proof of residence being their names upon the tax lists. Tooele County had less than fifteen hundred taxpayers, yet twenty-two hundred votes were deposited in the ballot boxes on election day. In Jacob City, a mining camp, one candidate received more than five hundred votes in excess of the whole number of qualified voters in the precinct. Returns from other precincts

showed similar discrepancies. A contest arose, and the matter went into the courts; Governor Woods meanwhile commissioning the officers elect. They were not displaced; Judge McKean ruling in their favor. In the case of the Representative, however, the final adjudication was with the Legislative Assembly, which found that George Atkin was entitled to the office, and he was accordingly seated.

GOVERNOR AXTELL.

Governor Axtell.—In December, 1874, George L. Woods was succeeded as Governor of Utah by Samuel B. Axtell, who arrived at Salt Lake City in February, 1875. A Western man, who had represented the State of California in Congress, the new Executive was a friend to Utah, and strove to serve the entire people, refusing to be the tool of a clique. The "Ring," therefore, had no use for him; nor he for them. Their organ assailed him mercilessly—he was the "Jack-Mormon" par excellence—and their influence soon effected his removal, or rather, his transfer. In the summer of the same year he was appointed Governor of New Mexico, and subsequently became Chief Justice of that Territory; making an honorable record in both positions.

Governor Emery.—President Grant's next choice for Governor of Utah was George W. Emery, of Tennessee. He received the appointment in June, 1875. Emery was a personal friend to the Chief Magistrate, and proved himself a wise and capable officer. By a prudent and tactful course, he attained a goodly degree of popularity, without giving much offense to either side; a most difficult thing to do. It was during his administration that "the marked ballot," which had created so much discussion, and out of which so much political capital had been made, was abolished, and the secret ballot substituted. A new penal code, adopted from the California statutes, was enacted, and the old law repealed under which it had been proposed to punish polygamous association as adultery. The Governor's approval of the new enactment, while commended by conservative "Gentile" lawyers, cost him the good will of extreme "Anti-Mormons," and possibly prevented his

reappointment as Utah's Executive. Among the honors bestowed upon the Governor was the giving of his name to Emery County, a mark of appreciation on the part of the Legislature.

GOVERNOR EMERY.

"The Ann Eliza Case."—Early in this decade the polygamy question came prominently before the country, through a divorce suit instituted in the District Court at Salt Lake City. The parties to the suit were Ann Eliza Webb Young, plaintiff, and Brigham Young, defendant. The plaintiff, who was a plural wife of the defendant, sued not only for divorce, but for alimony pendente lite, or during the litigation. "The Ann Eliza Case," as it was called, "dragged its slow length along" until February 25, 1875, when the defendant was ordered by the Court to pay to the plaintiff three thousand dollars—attorneys' fees; also the further sum of five hundred dollars a month, for her support and the education of her children. The defendant was given ten days in which to pay the fees, and twenty days in which to pay the accumulated alimony for nineteen months, amounting to $9,500.

An appeal was prepared to the Supreme Court of the Territory, but before it could be perfected the time within which the fees were to be paid had expired. No payment having been made, the defendant was required to appear and show cause why he should not be punished for contempt. Accordingly, on the 11th of March, President Young appeared in Court, and by his attorney, Mr. P. L. Williams, presented a written statement to the effect that his failure to comply with the order of the 25th of February was owing wholly to a desire to obtain the benefit of his appeal. Disclaiming all intention or disposition to disregard or treat contemptuously any process of the court, he asked that further proceedings in execution of the order relative to fees and alimony be stayed until the appeal had been determined.

President Young Imprisoned.—Judge McKean held that President Young was guilty of contempt, and sentenced him to imprisonment for twenty-four hours in the Penitentiary. He

also imposed upon him a light fine—twenty-five dollars. The amount of the fees was paid by the President's clerk, James Jack, as soon as judgment had been rendered. The defendant, after receiving sentence, left the court room in company with Deputy Marshal A. K. Smith. In his own carriage he was taken to his residence, where he supplied himself with bedding, clothing, and other articles that he might need while in prison, and after dining was conveyed through a heavy snow-storm to the Penitentiary. Mayor Wells, Dr. Seymour B. Young, and William A. Rossiter, went with the President and remained at the Warden's house over night. Many other friends drove out to the Penitentiary during the afternoon, and a small host, awaiting the hour of deliverance, found lodgings at every available place in the vicinity. In a room adjoining the Warden's house, President Young passed the night in comparative comfort, receiving from his guard and the officers of the prison every consistent courtesy. Next day, between twelve and one p. m., surrounded by a multitude of friends, he was escorted back to his home.

Judge McKean's summary action in this affair was much criticised, not only in Utah, but far beyond her borders. The Court was also censured for giving to Ann Eliza Webb Young the status of a legal wife. The New York Post declared that Judge McKean, "in order to deplete Brigham Young's bank account, had repudiated his own principles" and might "fairly be hailed" by the "Mormons" as "a convert to polygamy." The San Francisco Bulletin presented the matter in this form: "When Judge McKean assumes that this woman is the wife of Young, makes an interlocutory degree granting her three thousand dollars to maintain a suit for divorce, when there never was a legal marriage, and commits Young for contempt because he hesitates long enough to raise the question of the legality of the order, he burns some strange fire on the altar of justice." "It is customary," said the Chicago Times, "to hold judgments in abeyance until the appeal is at least argued. This summary method of dealing with the Prophet looks very much like persecution, and will awaken sympathy for him instead of aiding the cause of justice."

Judge McKean Removed.—And so it proved. The imprisonment of the founder of Utah for a slight technical offense, was generally looked upon as an unnecessary and a spiteful proceeding. It was "the last straw" on "the camel's back" of Presidential forbearance. Judge McKean's radical course had at length convinced the Administration at Washington that a change in the Chief Justiceship of this Territory would be beneficial. Five days after the issuance of the order sending Brigham Young to prison, Judge McKean was re-

moved from office. He continued to reside at Salt Lake City, where he practiced law, but died a few years later of typhoid fever. Among the "Gentiles," as a body, and particularly the "Anti-Mormons," Judge McKean retained his popularity to the last. His friends still believe he was an upright judge. Doubtless he meant to be. But the record of his public acts is before the reader; let it speak for itself. The rectitude of his private life is unquestioned. The James B. McKean Post, a local G. A. R. organization, helps to keep alive the name and memory of Utah's former Chief Justice.

Chief Justice Lowe.—Judge McKean's successor was David B. Lowe, of Kansas. When the divorce suit of Young versus Young came before him, Judge Lowe was urged to imprison the defendant for failing to pay the accumulated alimony. He refused, for the reason that a valid marriage had neither been admitted nor proved. A few weeks later Judge Lowe resigned.

Boreman Reversed by White.—Associate Justice Boreman, while sitting temporarily in the Third District Court, also ruled upon "The Ann Eliza case," ordering that Brigham Young be imprisoned until the alimony was paid. The defendant was too ill to appear in court, and after sentence was guarded in his own home by two deputy marshals. Judge Lowe's successor, Chief Justice Alexander White, after a hearing in habeas corpus, decided that Boreman's order, readjudicating an issue previously disposed of in the same court, was unauthorized, and therefore void. This decision set President Young at liberty.

End of the Divorce Suit.—White's successor, Chief Justice Michael Schaeffer, reduced the alimony to one hundred dollars a month, and ordered that it be paid. In execution of this order, personal property was sold at auction, and certain rents were seized. Finally on April 20, 1877, Judge Schaeffer, having heard the whole case, decreed the polygamous marriage between Brigham Young and Ann Eliza Webb Young void, and all orders for temporary alimony not then complied with, were revoked and annulled. The costs were assessed against the defendant.

The Reynolds Case.—The Latter-day Saints, as already shown, held the opinion that the Act of Congress inhibiting plural marriage was unsound. The Federal Constitution expressly declares: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Celestial Marriage, including plurality of wives, was "an establishment of religion" to those who looked upon it as a divine revelation. Consequently the Act of 1862 was regarded by them as an infringement upon religious liberty, an invasion

of the most sacred right guaranteed by the fundamental Law of the Land. It was believed that the highest judicial authority would so decide, when the issue came fairly and squarely before it. So confident were the "Mormon" leaders upon this point, that they more than once expressed the wish that a test case might be passed upon by the Court of Last Resort.*

GEORGE REYNOLDS.

In the autumn of 1874 such a case arose. The defendant was George Reynolds, private secretary to President Brigham Young. A native of London, England, aged thirty-two, he had been a resident of Utah since 1865. He was the husband of two wives, Mary Ann Tuddenham and Amelia Jane Schofield. These and other facts were communicated by him to the Grand Jury of the Third Judicial District, and he was indicted for polygamy or —as the law styled it—bigamy.

First Trial—Judgment Reversed.—There were two trials of the Reynolds case; the first beginning on the last day of March, 1875, before Associate Justice Emerson, who was presiding in the Third District Court during the interim between the removal of Chief Justice McKean and the arrival of his

*General Babcock's report to the Government (October, 1866) contained these sentences: "The Act of Congress of 1862, prohibiting polygamy, has never been enforced. President Young told me he wanted it brought before the courts, and would place no obstacle in the way; and in fact would help to bring it before the courts. He said he believed it was unconstitutional, as it is against one of the foundations of their religion. * * * The attempt to enforce this law of 1862 has been a failure, and I think it will be, not because the people oppose the courts, but the fanatical views of the people render such failures almost certain. The law makes it a crime to take more than one wife. Before the offender can be tried he must be indicted before a jury of the land. The jury of necessity is entirely or mostly Mormons. No Mormon can see a crime in taking two or three wives in accordance with God's revelation to them. The result is, no one is indicted. The Gentiles (Anti-Mormons) in Utah thought they would have a Gentile settlement in the Territory, in the Pahranagat mining country, where a Gentile jury could be found; but the last Congress cut this portion of Utah off and annexed it to Nevada. So the Mormons are even stronger than before."

successor.* District Attorney Carey prosecuted the case, and the law firm of Sutherland, Bates and Snow appeared for the defendant. The jury was composed of seven "Mormons" and five "Gentiles." Among the witnesses was the defendant's plural wife, Amelia Reynolds, who admitted that she was married to him in August, 1874. The jury rendered a verdict of guilty, and recommended the prisoner to the mercy of the court. A fine of three hundred dollars, and imprisonment for one year at hard labor, was the sentence pronounced. The Supreme Court of Utah reversed this judgment, upon finding that the indictment in the case had been returned by a grand jury composed of twenty-three men, instead of the fifteen required by law.

Second Trial—Judgment Affirmed.—Upon a new indictment, Mr. Reynolds had his second trial in December, 1875. Chief Justice White then presided, and Mr. Carey conducted the prosecution; Williams and Young, with Sheeks and Rawlins, appearing for the defense. It was now evident—though hopes had been entertained to the contrary—that the United States Attorney was not trying the case merely as a test of the constitutionality of the law. He was determined not only to convict, but to punish, the defendant. Sensing this fact, Mrs. Amelia Reynolds refused to appear as a witness, and was not found when the officers went in search of her. The Court, however, permitted the prosecuting attorney to call to the witness stand lawyers and other persons who had been in attendance at the former trial, and accepted as evidence their statements as to what the now absent witness had testified. The defendant, again found guilty and recommended for judicial clemency, was fined five hundred dollars and sentenced to the Penitentiary for two years at hard labor. The Supreme Court of the Territory affirmed the decree, and the case was then carried to Washington.

President Grant in Utah.—In the autumn of 1875 President Grant visited Utah—the first head of the Nation to set foot within the Territory. From Washington, D. C., he had come west as far as Denver, Colorado, and was there induced to extend his trip to Salt Lake City. The President's party included his wife, Colonel Fred Grant and wife, General O. E. Babcock, Ex-Secretary of the Navy A. E. Borie, and Governor John M. Thayer, of Wyoming. The date of their arrival was the third of October. The party was met at Peterson, a

*Judge Emerson was regarded as a sound jurist, and had an expeditious way of dispatching legal business that was very gratifying to attorneys, litigants, and persons awaiting trial in his court. It was in response to a special request from leading members of the Utah Bar, that Governor Axtell had given him this temporary assignment.

Union Pacific Railroad station in Weber Canyon, by Governor Emery and a committee of ten—all "Gentiles." At Ogden a committee representing Salt Lake City extended the municipal hospitalities to the President and his suite, but an invitation from the Governor, to be his guests during their stay, had already been accepted.

Among those who welcomed the Chief Magistrate at the Junction City was President Brigham Young, in whose party were John Taylor, George Q. Cannon, Joseph F. Smith, and other prominent "Mormons." The meeting between the two great men was cordial; the "Mormon" leader remarking, as he took the proffered hand of the First Citizen of the Republic: "President Grant, this is the first time I have ever seen a President of my country." After introductions and handshakes, all proceeded by train to the capital.

PRESIDENT GRANT.

It was the Sabbath day, and a great multitude, including hosts of Sunday School children, gave the honored guest an ovation as his carriage drove from the Utah Central Depot to the Walker House on Main Street. President and Mrs. Grant, with Governor Emery, rode behind four gray horses at the head of a long line of vehicles. Bowing and waving his hat in response to the salutes of the populace, the President, turning to the Governor, inquired, "Whose children are these?" "Mormon children," replied Emery. The Man of Appomattox gazed a few moments upon the scene of innocence and beauty, and then murmured, "I have been deceived."

There was a reception at the hotel, where the President was introduced by the Governor from the balcony, but he declined to make a speech, pleading a severe cold. Next morning he visited the Temple grounds, the Tabernacle, Fort Douglas, and the Penitentiary. While listening to the Tabernacle Organ, which was played by Joseph J. Daynes, Mrs. Grant, tears filling her eyes, turned to Ex-Delegate Hooper and said with deep feeling: "I wish I could do something for these good Mormon people!" The party had arrived on Sunday

afternoon. At 4 p. m. of Monday they set out upon their return to the East.

Much of President Grant's prejudice against Utah seems to have melted during that visit. Never again did he manifest a harsh spirit toward the Territory and its people. Governor Emery stated to the present writer that Grant advised him, while here, to "deal fairly between man and man, avoiding all extremes."*

A Sensational Period.—The closing part of this decade was remarkable for the spirit of hostility everywhere prevailang against Utah and the "Mormons." The trial and execution of John D. Lee, the chief actor in the Mountain Meadows atrocity, seemed to increase rather than allay the ill feeling, which was largely the result of an unwarranted newspaper agitation, worked up by unscrupulous representatives of the press. One Jerome B. Stillson, who was sent to Salt Lake City in 1877 as a special correspondent of the New York Herald, made that great journal ridiculous by the absurd Munchausenisms with which he filled its columns. He first reported that the "Mormons" were preparing for war, and urged the sending of an army to Utah. General Smith, at Fort Douglas, reported that all was quiet, and General Crook, sent out by the War Department, having ascertained the falsity of the Herald telegrams, reported thereon in such forcible language that Stillson had to change his tactics. He next asserted that efforts were being made to assassinate him, and showed an incision in his vest, with an indented suspender buckle and a slight abrasion of the skin, as proofs of an alleged attempt to stab him while in his room at the Walker House. An official investigation exposed the fraud, and the Herald then withdrew its mendacious correspondent.†

The Mountain Meadows Case.—Proceedings in the case of the United States versus John D. Lee and others, impleaded for the dreadful crime at Mountain Meadows, began in the autumn of 1874, when Lee was arrested at Panguitch, Utah, by

*Several years later General Grant, returning from his tour around the world, passed through Ogden, where his train stopped a short time, enabling him to give an informal public reception at the rear door of his private car.

†The Suspender Buckle canard, invented by Stillson, paired well with an earlier story originated by Dr. John P. Taggart, who in 1870 was United States Assessor of Internal Revenue for Utah. Taggart, while playing with a pet bull dog, was bitten by the animal, and afterwards exhibited his wounded hand and torn shirt sleeve as evidence of an assault by "Mormon" assassins. Assessor Taggart, anticipating the action of Collector Hollister in the Z. C. M. I. "Scrip Case," made a futile attempt to compel the "Mormon" Church to pay an enormous tax on its tithing fund, consisting of voluntary donations by its members.

U. S. Deputy Marshal Stokes. He was indicted by a Grand Jury of "Gentiles" and "Mormons"—probably the first Grand Jury empaneled under the Poland Law—and was tried before Associate Justice Boreman, at Beaver. The first trial—for there were two—began and ended in the summer of 1875; the trial jury then consisting of eight "Mormons" and four "Gentiles." The attorneys for the defense were William W. Bishop and Enos D. Hoge; Sutherland and Bates also figuring on that side. United States Attorney Carey and R. N. Baskin conducted the prosecution. They did their utmost to convict—not John D. Lee, but the "Mormon" Church, and were aided sympathetically if not actually by the Judge upon the Bench. In this connection, it is not too much to say, that the fanaticism and ferocity of those who slew the unfortunate emigrants, are fully equalled by the wolfish vindictiveness of those who have sought to substitute the innocent for the guilty, and judicially murder, not only individuals, but the good name of an entire community, for the misdoings of a few wretches who were once connected with it.

Lee's Rejected Confession.—Lee had been induced to make a confession, which, had it implicated the General Church Authorities, would undoubtedly have resulted in his liberation, or in a greatly modified punishment. But the desired implication was lacking, and the confession was therefore rejected by the prosecuting officers. Hoping to prove more than Lee's document contained, they released one of the most guilty of his confederates, Phillip Klingensmith, an apostate, and used him as a witness for the prosecution. At the same time the affidavits of Brigham Young and George A. Smith were excluded from the evidence. Everything was done to clothe with plausibility the skeleton of the old "Anti-Mormon" theory, that the "Mormon" Church was the real culprit in the case. The result was a disagreement of the jury, which stood nine for acquittal, and three for conviction.

Tried on Its Merits.—Before any further proceedings in the case, there was a change of personnel in the United States Attorneyship. Mr. Carey retired, and Sumner Howard, of Michigan, was appointed to that position. His assistant at the second Lee trial was Presley Denney. In his opening statement to the jury, Mr. Howard remarked that he had not come to try Brigham Young and the "Mormon" Church, but to proceed against John D. Lee for his personal actions. This was the first time that it had been proposed to try the case on its merits. Mr. Bishop conducted the defense as before, assisted by Wells Spicer and J. C. Foster. The following affidavits—excluded on the former occasion—were now admitted in evidence.

AFFIDAVIT OF BRIGHAM YOUNG.

Questions to be propounded to Brigham Young on his examination as witness in the case of John D. Lee and others, on trial at Beaver City, Utah, this thirtieth day of July, 1875, and the said answers of Brigham Young to the interrogatories hereto appended were reduced to writing, and were given after the said Brigham Young had been duly sworn to testify to the truth in the above entitled cause, and are as follows:

First.—State your age, and the present condition of your health, and whether in your present condition you could travel to attend in person at Beaver, the court now sitting there? If not, state why.

Answer.—To the first interrogatory he says: I am in my seventy-fifth year. It would be a great risk, both to my health and life, for me to travel to Beaver at this present time. I am and have been for some time, an invalid.

Second.—What offices, either ecclesiastical, civil or military, did you hold in the year 1857?

Answer.—I was the Governor of this Territory, and ex-officio Superintendent of Indian Affairs, and the President of the Church of Jesus Christ of Latter-day Saints, during the year 1857.

Third.—State the condition of affairs between the Territory of Utah and the Federal Government in the summer and fall of 1857?

Answer.—In May or June, 1857, the United States mails for Utah were stopped by the Government, and all communication by mail was cut off; an army of the United States was en route for Utah with the ostensible design of destroying the Latter-day Saints, according to the reports that reached us from the East.

Fourth.—Were there any United States Judges here during the summer and fall of 1857?

Answer.—To the best of my recollection there was no United States Judge here in the latter part of 1857.

Fifth.—State what you know about trains of emigrants passing through the Territory to the West, and particularly about a company from Arkansas, en route to California, passing through this city in the summer or fall of 1857?

Answer.—As usual, emigrant trains were passing through our Territory for the West. I heard it rumored that a company from Arkansas, en route to California, had passed through the city.

Sixth.—Was this Arkansas company of emigrants ordered away from Salt Lake City by yourself or anyone in authority under you?

Answer.—No, not that I know of. I never heard of any such thing, and certainly no such order was given by the Acting-Governor.*

Seventh.—Was any counsel or instruction given by any person to the citizens of Utah not to sell grain, or trade with the emigrant trains passing through Utah at that time? If so, what were those instructions and that counsel?

Answer.—Yes, counsel and advice was given to the citizens not to sell grain to the emigrants to feed their stock, but let them have sufficient for themselves if they were out. The simple reason for this was that for several years our crops had been short, and the prospect was at that time that we might have trouble with the United States army, then en route for this place; and we wanted to preserve the

*Governor Young refers to himself as "Acting Governor." His successor, Governor Cumming, appointed in July, 1857, did not arrive in Utah until November of that year.

grain for food. The citizens of the Territory were counseled not to feed grain even to their own stock. No person was ever punished or called in question for furnishing supplies to the emigrants, within my knowledge.

Eighth.—When did you first hear of the attack and destruction of the Arkansas company at Mountain Meadows, in September, 1857?

Answer.—I did not learn anything of the attack or destruction of the Arkansas company until sometime after it had occurred,—then only by a floating rumor.

Ninth.—Did John D. Lee report to you at any time after this massacre what had been done at that massacre, and if so, what did you reply to him in reference thereto?

Answer.—Within some two or three months after the massacre he called at my office and had much to say in regard to the Indians, their being stirred up to anger and threatening the settlements of the whites, and then commenced giving an account of the massacre. I told him to stop, as from what I had already learned by rumor I did not wish my feelings harrowed up with a recital of the details.

Tenth.—Did Philip Klingensmith call at your office with John D. Lee at the time of Lee making his report, and did you at that time order Smith to turn over the stock to Lee, and order them not to talk about the massacre?

Answer.—No, he did not call with John D. Lee, and I have no recollection of his ever speaking to me or I to him concerning the massacre, or anything pertaining to the property.

Eleventh.—Did you ever give any directions concerning the property taken from the emigrants at the Mountain Meadows massacre, or know anything as to its disposition?

Answer.—No. I never gave any directions concerning the property taken from the emigrants at the Mountain Meadows massacre, nor did I know anything of that property or its disposal; and I do not to this day, except from public rumor.

Twelfth.—Why did you not, as Governor of Utah Territory, institute proceedings forthwith to investigate that massacre and bring the guilty authors to justice?

Answer.—Because another Governor had been appointed by the President of the United States, and was then on the way here to take my place, and I did not know how soon he might arrive, and because the United States judges were not in the Territory. Soon after Governor Cumming arrived, I asked him to take Judge Cradlebaugh, who belonged to the southern district, with him, and I would accompany them with sufficient aid to investigate the matter and bring the offenders to justice.

Thirteenth.—Did you, about the tenth of September, 1857, receive a communication from Isaac C. Haight, or any other person of Cedar City, concerning a company of emigrants called the Arkansas company?

Answer.—I did receive a communication from Isaac C. Haight, or John D. Lee, who was then a farmer for the Indians.

Fourteenth.—Have you that communication?

Answer.—I have not. I have made diligent search for it, but cannot find it.*

Fifteenth.—Did you answer that communication?

Answer.—I did, to Isaac C. Haight, who was then Acting-President at Cedar City.

Sixteenth.—Will you state the substance of your letter to him?

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*The letter was afterwards found and published, as stated in Chapter XIII of this History, p. 140, Note.

Answer.—Yes. It was to let this company of emigrants, and all companies of emigrants, pass through the country unmolested, and to allay the angry feelings of the Indians as much as possible.

(Signed) BRIGHAM YOUNG.

Subscribed and sworn to before me, this 30th day of July, A. D. 1875. WILLIAM CLAYTON, Notary Public.

AFFIDAVIT OF GEORGE A. SMITH.

George A. Smith having been first duly sworn, deposes and says: That he is aged fifty-eight years; that he is now and has been for several months suffering from a severe and dangerous illness of the head and lungs, and that to attend the court at Beaver, in the present condition of his health, would in all probability end his life. Deponent further saith that he had no military command during the year 1857, nor any other official position except that of one of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints.

Deponent further saith that he never, in the year 1857, at Parowan or elsewhere, attended a council where William H. Dame, Isaac C. Haight or others were present to discuss any measures for attacking or in any manner injuring an emigrant train from Arkansas or any other place, which is alleged to have been destroyed at Mountain Meadows in September, 1857. Deponent further saith that he never heard or knew anything of a train of emigrants, which, he learned afterwards by rumor, was from Arkansas, until he met said emigrant train at Corn Creek on his way north to Salt Lake City, on or about the 25th day of August, 1857. Deponent further saith that he encamped with Jacob Hamblin, Philo T. Farnsworth, Silas S. Smith and Elisha Hoops, and there for the first time he learned of the existence of said emigrant train and their intended journey to California. Deponent further saith that, having been absent from the Territory for a year previous, he returned in the summer of 1857 and went south to visit his family at Parowan, and to look after some property he had there, and also visit his friends and for no other purpose; and that on leaving Salt Lake City he had no knowledge whatever of the existence of said emigrant train, nor did he acquire any until as before stated.

Deponent further saith that, as an Elder in the Church of Jesus Christ of Latter-day Saints, he preached several times on his way south, and also on his return, and tried to impress upon the minds of the people the necessity of great care as to their grain crops, as all crops had been short for several years previous to 1857, and many of the people were reduced to actual want, and were suffering for the necessaries of life. Deponent further saith that he advised the people to furnish all emigrant companies passing through the Territory with what they might actually need for bread stuff, for the support of themselves and families while passing through the Territory, and also advised the people not to feed their grain to their own stock, nor to sell it to the emigrants for that purpose.

Deponent further saith that he never heard or knew of any attack upon the said emigrant train until some time after his return to Salt Lake City, and that while near Fort Bridger [now in Wyoming] he heard for the first time that the Indians had massacred an emigrant company at Mountain Meadows.

Deponent further saith that he never, at any time, either before or after that massacre, was accessory thereto; that he never, directly or indirectly, aided, abetted or assisted in its perpetration, or had any knowledge thereof, except by hearsay; that he never knew anything of the distribution of the property taken there, except by hearsay as aforesaid.

Deponent further saith that all charges and statements as pertaining to him, contrary to the foregoing, are false and untrue.

(Signed) GEORGE A. SMITH.

Subscribed and sworn to before me this 30th day of July, A.D. 1875.

WILLIAM CLAYTON, Notary Public.

Other Testimony.—Then followed other documentary evidence, and the examination of witnesses, namely, Daniel H. Wells, Laban Morrill, James H. Haslam, Joel White, Samuel Knight, Samuel McMurdy, Nephi Johnson, and Jacob Hamblin. General Wells, who resided at Salt Lake City, testified that John D. Lee, in 1857, was a farmer among the Indians, and had been a Major in the Utah Militia. The other witnesses were all residents of Southern Utah at the time of the tragedy. Their evidence substantiated the facts set forth in Chapter Thirteen of this History.

The Jury and the Verdict.—The jurors were all "Mormons," namely: William Greenwood, John E. Page, A. M. Farnsworth, Stephen S. Barton, Valentine Carson, Alfred Randall, James G. Montague, A. S. Goodwin, Ira B. Elmer, Andrew A. Correy, Charles Adams, and Walter Granger. These men, having heard the testimony and deliberated four hours thereon, brought in a verdict of murder in the first degree. The date of the verdict was September 20, 1876.

Lee Sentenced.—Lee was sentenced to be shot; he having chosen that method of execution. Judge Boreman, while pronouncing the sentence, made a fanatical attack upon the "Mormon" Church and its leading authorities, virtually accusing them of the crime for which Lee was about to suffer. The Supreme Court of the Territory affirmed the judgment of the District Court. The case against the principal defendant having been disposed of, the other indictments were dismissed. Lee, pending his execution, was kept at Fort Cameron, a military post near Beaver.*

*Fort Cameron had been established by order of the War Department, pursuant to suggestions from Judge Hawley and Governor Woods, who represented that "without the presence of the military in that remote portion of the Territory," it would "be utterly impossible to enforce the law." Secretary Belnap endorsed the suggestion, and in May, 1872, a small detachment of troops camped upon the foothills at the mouth of a canyon about two and a half miles east of Beaver. There, in September, 1873, the construction of barracks began, and in the following July the post was named Fort Cameron, after a veteran officer of the United States Army. The fact that Fort Cameron was a superfluous as well as an expensive institution soon became apparent. John D. Lee was the only important prisoner ever kept there. In a few years the post was abandoned; its buildings passing into the possession of leading citizens, who purchased them from the Government and devoted them to school purposes. The Murdock Academy is now conducted there.

A Dramatic Execution.—The responsibility of carrying out the sentence of the Court devolved upon the United States Marshal, Colonel William Nelson, who had held that office since March, 1876. Nelson followed Maxwell, who had been removed early in February; financial crookedness in the Marshal's office causing the change.* Nelson, like Maxwell, was a Civil War veteran. Prior to coming West, he had been the editor of a Republican paper at La Crosse, Wisconsin. He succeeded not only to Maxwell's position, but to the bitter enmity felt by the latter toward the people among whom he had made his home. Nelson endeavored to secure from Lee, after his conviction, a confession implicating the "Mormon" leaders in the Mountain Meadows Massacre. Every effort to that end having failed, there being nothing of the kind to confess, it but remained to put a dramatic denouement to the proceedings, and create as much sensation as possible out of the act of execution. This is why Lee expiated his crime on the scene of its occurrence—Mountain Meadows—where he was shot to death March 23, 1877.

More "Confessions."—Several books, each purporting to be "The Confession of John D. Lee," made their appearance just as soon as it was safe to publish them, without fear of contradiction from Lee himself. Death had no sooner sealed his lips, than these so-called "confessions," like mushrooms, started up on every hand. Most of them are manifest frauds, made—like the razors that wouldn't shave—"to sell." The one nearest authentic, was published by Lee's lawyer, Mr. Bishop; but even that is not above suspicion.

Dr. Clinton's Imprisonment.—Continuing the quest after acceptable "confessions," the United States Marshal, in July, 1877, took into custody Dr. Jeter Clinton, for many years Police Justice of Salt Lake City, but at the time of his arrest proprietor of Clinton's Hotel, at Lake Point. Rumor had charged the Doctor with the killing of John Banks, one of the "Morrisite" leaders, wounded in the melee following the surrender

*There was no imputation of dishonesty as to General Maxwell himself. The accusations were against certain persons employed by him, who had taken advantage of his loose method of conducting business. The exposure was brought about through the efforts of Deputy Marshals Jerome B. Cross and Arthur Pratt. The Grand Jury, after a searching investigation, reported that the Marshal's books, by false entries, represented unpaid accounts as settled, and that out of $13,200 allowed for the expenses of the court at Beaver, only about eight thousand dollars had been accounted for.

Congress, that year, diverted to the use of the Federal Courts the amount necessary to pay the expenses of the Utah Legislature; that body having failed to provide the usual funds. Subsequently the Legislature made the necessary provision, but its members were never compensated by Congress for their labors during that session.

of Kington Fort. It had been alleged that Banks was not fatally wounded at that time, but was subsequently "put out of the way." Dr. Clinton was kept a prisoner for several weeks, during which time repeated efforts were made to induce him to give information implicating persons "higher in authority." But no such information was elicited, and nothing came of the attempt to fasten guilt upon the Ex-Alderman. A suit for false imprisonment and maltreatment followed his liberation, but the Court—Chief Justice Schaeffer—decided at the hearing that the Marshal had not exceeded his duty in his treatment of the prisoner.

Death of Brigham Young.—On Wednesday, August 29, 1877, President Brigham Young died at his residence, the Lion House, in Salt Lake City. He was in his seventy-seventh year, having been born June 1st, 1801, at Whitingham, Windham County, Vermont. The funeral of the departed leader

PRESIDENT BRIGHAM YOUNG

was held in the Tabernacle on Sunday, September 2nd; the interment taking place in the Young Family Cemetery, on First Avenue. President Young was widely and deeply mourned. As much as any man may be said to have created a commonwealth, he had created Utah; and the people who had loved him in life lamented him in death.*

Final Labors of Utah's Founder.—President Young's labors during the closing years of his life included an earnest effort to establish a social system approximating to one introduced by his predecessor, President Joseph Smith, in Ohio and in Missouri. The wonderful success of Co-operation encouraged the belief that "The United Order" might be permanently established. "Our object," said President Young, "is to labor for the benefit of the whole; to retrench in our expenditures; to be prudent and economical; to study well the necessities of the community, and pass by its many useless wants; to secure life, health, wealth and union." In May, 1874, a general organization was effected, with Brigham Young as "President of the United Order in all the World." Branch organizations were formed throughout the Church. This effort to realize an ideal still cherished by the "Mormon" people was not destined to achieve lasting success; though in some places the Order, or certain phases of it, continued for a number of years—notably at Orderville, Kane County, and at Kingston, Piute County, Utah; also at Sunset, Arizona, one of several settlements founded along the Little Colorado River, by Lot Smith and a company of colonizers, sent from Utah in 1876.

A movement more fruitful of results was undertaken in the autumn of that year, by the veteran educator, Dr. Karl G. Maeser, acting under instructions from President Young. Dr. Maeser, assisted by A. O. Smoot and others, founded at Provo the Brigham Young Academy (since University), now the crowning institution of a great Church school system, comprising the Brigham Young College at Logan, the Latter-day Saints' University at Salt Lake City, and many Stake Academies and other schools scattered through the Rocky Mountain region. The purpose of these institutions is religious as well as secular education. Some of them were endowed by President Young, and all are maintained by the Church of Jesus Christ of Latter-day Saints.

In 1875-76 arose the Mutual Improvement Associations, flourishing at the present time among the young men and women of the Church, and owing their initiative to the great

*Among the prominent Churchmen who had preceded him into the spirit world was his First Counselor, President Heber C. Kimball, whose death occurred June 22, 1868. George A. Smith, who succeeded Heber C. Kimball in the First Presidency, died September 1, 1875.

founder and organizer. A forerunner of the Young Ladies' was the Retrenchment Association, formed in 1869-1870, under President Young's personal direction. It inculcated economy of labor and reform in dress, with a view to lightening the duties of the over-worked housewife, and giving to mothers and daughters more time for mental and spiritual culture. The Retrenchment Association supplemented in the field of woman's work the Relief Society, a benevolent organization dating from the days of Nauvoo.

On New Year's Day, 1877, President Young dedicated part of the St. George Temple, then near completion, and during the following April the General Conference of the Church was held within that edifice, the first of its kind erected in Utah. The remaining months of the President's life were devoted to a more thorough organization of the Stakes of Zion. At Brigham City, on Sunday, August 19th, he made his last public address. Six days before his death he attended a

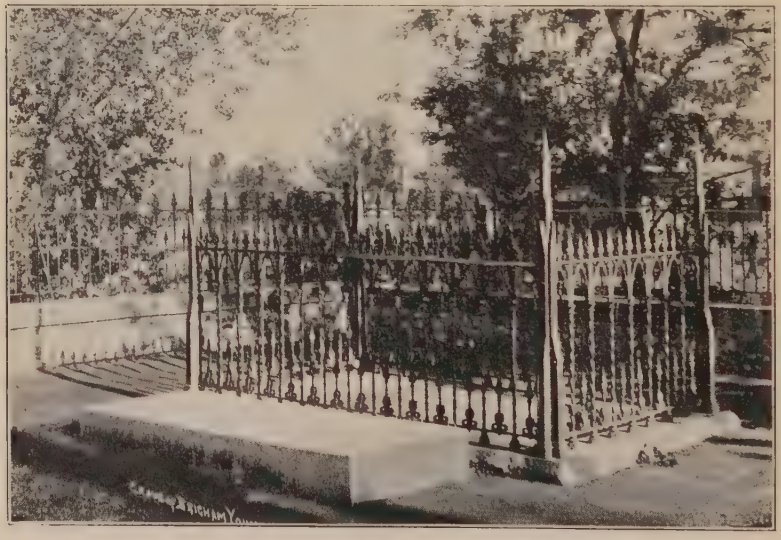
ST. GEORGE TEMPLE.

meeting of Bishops in the Council House, where a committee was appointed to superintend the removal of the Old Tabernacle and the erection in its place of the Assembly Hall. Returning home, he bade those about him good night, and retired, remarking as he went: "I think I shall now go and take my rest." That night his final illness seized him—cholera morbus, or, as some have since believed, appendicitis.

"Mormonism" Survives.—Predictions had been plentiful that "Mormonism" would not survive the loss of its lead-

ing spirit. "When falls the Colosseum, Rome shall fall," was a proverb widely paraphrased with reference to the death of Brigham Young and the expected dissolution of the Church over which he had so long presided. Faction and schism, it was thought, would prove fatal to the perpetuity of the organization. All these suppositions were groundless. There were no rival claimants to the Presidency, and no differences of opinion among priesthood or people as to who should preside over them. With the death of Joseph Smith, and the consequent disorganization of the First Presidency at that time, Brigham Young, as president of the Twelve Apostles, the council next in authority, had become the head of the Church by virtue of seniority among his fellows. That precedent was now followed.

President John Taylor.—John Taylor, who succeeded Brigham Young, was an Englishman, but had spent most of his life upon American soil. He had been intimate with Joseph Smith in Ohio, Missouri, and Illinois, sharing with the Prophet his imprisonment in Carthage Jail, and receiving in his body four of the bullets fired by the mob at the time his leader was slain. President Taylor, though now in his sixty-ninth year, was still a strong man, with a brave heart and an iron will, ready to grapple with the responsibilities confronting him.



BRIGHAM YOUNG'S GRAVE

The casket containing his remains rests in a vault beneath a granite slab inside the iron paling.

XXIV.

DEAD AND LIVING ISSUES.

1878-1881.

Clearing the Docket.—The trial and execution of John D. Lee was followed by judicial action in a number of other old-time criminal cases, some of them based upon dead and all but forgotten issues. The prosecuting officers were determined to clear the docket of these ancient entries, and the parties chiefly concerned were not sorry that the matters involved were about to be finally adjudicated.*

The Aiken Case.—The next case that came to trial was one based upon facts that may be stated briefly as follows. During the year 1857, in the midst of the Echo Canyon War trouble, a party of five or six men, including John and Thomas Aiken, entered Utah from the West. Having no passports, and the Territory then being under martial law, they were arrested in Box Elder County and taken to Ogden. Set at liberty, they traveled southward, in company with guides employed by themselves, and in due time reached Nephi and proceeded some distance beyond. The day after their departure from Nephi, John Aiken and a companion returned wounded to that place, and after receiving medical attention, started for Salt Lake City. Then came a report that the party had been killed by their guides, presumably for plunder. Among those said to have been included in the escort were Sylvanus Collett and Porter Rockwell, and at the expiration of twenty

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*The Mountain Meadows case was still pending, when one of these cases was disposed of in the District Court at Salt Lake City. The defendant was Colonel Thomas E. Ricks, a former Sheriff of Cache County. He was charged with shooting a horse thief, one David Skeene, on the night of July 2nd, 1860; Skeene being then in the custody of the Sheriff at Logan. It was alleged that the shooting took place while the prisoner was asleep in an old log school house serving as a jail. According to the Sheriff's account, Skeene ran towards him, as if to snatch his revolver, and he shot him in self defense. At an inquest held one day after the killing, William Chambers, one of the guards, corroborated this statement, and his testimony, with that of others, brought from the coroner's jury a verdict that Skeene came to his death while attempting to escape from the officers. But Chambers was now in a mood to testify that he had perjured himself on the former occasion, and that the shooting of the prisoner was not justifiable. He was the main witness for the prosecution. The case was tried before Associate Justice Emerson, on the 18th of March, 1875. Carey and Baskin were the prosecutors; and Sutherland, Bates and Snow the counsel for the defense. Colonel Ricks was acquitted.

years these men were indicted for the crime. Several months before the time of the trial Rockwell died at Salt Lake City.

Collett was tried at Provo, before Associate Justice Emerson, in October, 1878. The case was prosecuted by United States Attorney Phillip T. Van Zile, formerly of Michigan, who had succeeded Sumner Howard in the previous March. The defendant, by his attorneys, Tilford and Hagan, was able to prove an alibi, showing that when the alleged murder was committed he was hundreds of miles from the scene of the tragedy. An acquittal followed.

General Burton's Vindication.—The most important trial in this series of prosecutions was that of General Robert T. Burton, the queller of the "Morrisite" rebellion. Proceedings against him had begun in September, 1870, when he was indicted for one of the homicides connected with that unfortunate affair. Before further steps could be taken, however, the Englebrecht decision rendered the process null and void. Several years later, under another indictment, the defendant was arrested and admitted to bail in the sum of twenty thousand dollars.

General Burton was tried in the District Court at Salt Lake City, the same court which had issued the mandate, for the carrying out of which he was now charged with murder—the killing of Mrs. Bella Bowman, one of the "Morrisite" women shot at the capture of Kington Fort. Chief Justice Schaeffer presided at the trial, which began February 20, 1879, in the presence of a jury composed equally of "Mormons" and "Gentiles." The prosecution was conducted by U. S. Attorney Van Zile, assisted by James H. Beatty; and the defendant's counsel were Tilford and Hagan, J. G. Sutherland, P. L. Williams, and W. N. Dusenberry.

Mr. Beatty, in the opening statement to the jury, declared that General Burton went to Kington Fort at the head of "a large band of militia," but failed to mention that he went as an officer of the law, acting under judicial orders; an omission supplied by Judge Sutherland when it came his turn to address the jury. The prosecution endeavored to prove that the defendant shot Mrs. Bowman without provocation, simply for making a disrespectful remark after the killing of the "Morrisite" leader.

The defense admitted that General Burton was at Kington Fort, and that Morris, Banks, Mrs. Bowman and a Mrs. Swanee were killed there; but the facts did not show that they were murdered. Judge Sutherland maintained that General Burton was a humane man, slow to anger, averse to the shedding of blood, and that he had made every effort for an amicable settlement of the difficulty. Having entered the fort after

the surrender, not with his whole command, as alleged, but with only twelve or fifteen men, he saw a rush of the "Morrisites" for their arms, and ordered that they be stopped. A volley was fired and the two women were killed by accident.

The defendant, sworn as a witness, admitted shooting Morris, but denied firing at anyone else. He did not see any woman at the time, nor did any woman address him.

Judge Tilford closed a masterly plea for the defendant with these thrilling words: "We demand his acquittal, as due to the welfare of the Territory, the security of life, and the enforcement of right; we demand it as due to the court, whose mandate placed him in the very peril that compelled the homicide; we demand it as due to the law, whose process he was executing when resistance was offered; we demand it as due to humanity, whose noblest impulses are outraged by the prosecution of one whose only offense consisted in discharging his duty."

On the 5th of March the case was given to the jury. Two days later they came into court, and by their foreman, Joseph Gorlinski, a "Gentile," presented a verdict of not guilty. The announcement was greeted with loud applause, and the defendant was overwhelmed with congratulations.

The Coalville Affair.—Several other persons were under indictment for the killing, in 1867, of Isaac Potter and Charles Wilson, who, with one John Walker, had been arrested and imprisoned at Coalville. The building in which they were kept was a rock school house, in temporary use as a jail. It was charged that the prisoners were ordered out into the street one night by a party of men, who killed two of the three; the survivor, Walker, also being wounded, but escaping and making his way to Camp Douglas. Upon his affidavit the defendants had been arrested and examined before Chief Justice Titus, who committed them to the care of the Territorial Marshal, pending the action of the Grand Jury. It transpired that Potter, Wilson and Walker were cattle thieves, and it was claimed that they had been shot by their guards while attempting to escape. The accused parties were conveyed to the Penitentiary, but on arriving there, took leave of the officer having them in custody, and returned to their homes; subsequently notifying the court and the public, through the press, that they would appear whenever wanted. The Coalville case never came to a jury trial; the indictments found by the Grand Jury being dismissed on motion of the U. S. Attorney.

The Reynolds Case Decided.—Turning now from dead issues to live ones. The final decree in the Reynolds case, upon which the Anti-Bigamy Law had been taken before the Supreme Court of the United States, was delivered on the 6th

of January, 1879. It confirmed the rulings of the Utah courts, and declared constitutional the law of Congress enacted against plural marriage. The decision, which was unanimous but for the non-concurrence of Mr. Justice Field upon a minor point, was voiced by Chief Justice Waite.

The Taylor-Hollister Interview.—A few days after the decision was rendered, a notable interview took place between President John Taylor, the head of the "Mormon" Church, and Colonel O. J. Hollister, United States Internal Revenue Collector for Utah. The meeting, which had been solicited by Colonel Hollister as correspondent of the New York Tribune, was at the President's Office; a number of prominent men, in addition to the two principals, taking part. Asked as to whether he disagreed with Judge Waite's statement of the scope and effect of the Constitutional guarantee of religious freedom, President Taylor answered in the affirmative, and added: "A religious faith amounts to nothing unless we are permitted to carry it into effect. * * * They will allow us to think—what an unspeakable privilege that is!—But they will not allow us the free exercise of that faith, which the Constitution guarantees." Of the extended conversation that ensued, the following is a sufficient digest:

Colonel Hollister: "Is it not true that marriage is the basis of society; that out of it spring the social relations, obligations, and duties with which governments must necessarily concern themselves? And is it not therefore within the legitimate scope of the power of every civil government to determine whether marriage shall be polygamous or monogamous under its dominion?"

President Taylor: "When the Constitution of the United States was framed and adopted, those high contracting parties did positively agree that they would not interfere with religious affairs. Now, if our marital relations are not religious, what is? This ordinance of marriage was a direct revelation to us through Joseph Smith the Prophet. You may not know it, but I know that this is a revelation from God and a command to His people, and therefore it is my religion. I do not believe that the Supreme Court of the United States has any right to interfere with my religious views, and in doing it they are violating their most sacred obligations."

Colonel Hollister: "If marriage can be legitimately called religion, what human relation or pursuit may not be so called? And if everything is religion, and the State is prohibited from interfering with it, what place is there left for the State?"

Elder Charles W. Penrose: "That is easily answered. When one's religion presumes to interfere with the rights and liberties of others."

Colonel Hollister: "I think it [polygamy] interferes with the rights of men and women, because when a man marries a second woman, some other man must do without any. The sexes are born in about equal numbers."

President Taylor: "It is well known that there are scores of thousands of women in these United States who cannot obtain husbands, and the same also in England and other Christian countries. And, furthermore, we regard the plural order of marriage as being voluntary, both on the part of the man and the woman. If there should be any disparity such as you refer to—if there should not be two wives for one man, why then he could not get them."

Colonel Hollister: "Do you regard polygamy as worthy of perpetuation at the cost of perpetual antagonism between your people and their countrymen?"

President Taylor: "We are not the parties who produce this antagonism. Our revelation, given in August, 1831, specifically states that if we keep the laws of God we need not break the laws of the land. Congress has since, by its act, placed us in antagonism to what we term an unconstitutional law. Congress, indeed, can pass laws, and the Supreme Court can sanction those laws; but while they have the power, being in the majority, the justice of those laws is another matter."

Colonel Hollister: "Do you regard polygamy as superior to monogamy, as the form or law of marriage, and if so wherein?"

President Taylor: "I regard it as altogether superior to the law of monogamy, in a great many particulars. There is in all monogamic countries, the United States not excepted, a terrible state of things arising from the practice of monogamy. We acknowledge our children; we acknowledge our wives; we have no mistresses. We had no prostitution until it was introduced by monogamy. Polygamy is not a crime per se [in itself]; it was the action of Congress that made polygamy a crime. The British Government allows one hundred and eighty millions of their people to practice it, and by the law protects them in it. It is very unfortunate that our republican government cannot be as generous to its provinces as a monarchial government can be to its colonies."

Colonel Hollister: "You hold, then, that the condemnation of polygamy by all Christian nations is without reason and wisdom, and contrary to the spirit of revelation?"

President Taylor: "We most assuredly do."

Colonel Hollister: "Is not, in fact, what you call revelation the expression of the crystallized public sentiment of your people; and if a majority of them should desire to abandon

polygamy, would what is called revelation deter them from doing so?"

Elder Joseph F. Smith: "It is very unfair in you, Mr. Hollister, to even think that a people who have suffered as we have for our faith, having been driven five different times from our homes and suffered even to martyrdom, should be insincere in our belief. Questions you have asked here repeatedly imply that we could get up revelations to suit ourselves."

Colonel Hollister: "What effect, on the whole, do you apprehend Chief Justice Waite's decision will have on the question?"

President Taylor: "I don't know that it will have any effect, except to unite us and confirm and strengthen us in our faith."

Sentence Modified.—The sentence imposed upon the defendant Reynolds included "hard labor," which was found to be in excess of the law. For this reason an effort was made to have the case reopened and the proceedings quashed. The Court at Washington refused to issue such an order, but remanded the case to the Supreme Court of Utah, with instructions to so amend the sentence as to omit the words "hard labor." A petition, signed by more than thirty thousand citizens, asking for the defendant's pardon, was forwarded to the President of the United States, Rutherford B. Hayes; but the request was unheeded.

Reynolds in Prison.—George Reynolds was re-sentenced June 14, 1879. Shortly after, under an order from the Department of Justice, he set out for Lincoln, Nebraska, in charge of Deputy Marshals George A. Black and William T. Shaughnessy. He remained at Lincoln twenty-five days, acting as book-keeper for the State Prison, and was then brought back to Utah and placed in the Penitentiary, where he served out the remainder of his term, barring one hundred and forty-four days, remitted on account of good behavior. His fine was also remitted.

The United States Marshal at that time was Colonel Michael Shaughnessy, who had arrived from the East early in April, 1878. With him came "General" Butler, a bluff, kind-hearted old veteran, who for several years was Warden of the Penitentiary. Butler and his wife, also the guards, treated Mr. Reynolds kindly, permitting him, out of consideration for his good conduct and the circumstances surrounding his case, unusual privileges. While in prison he wrote for the press and taught school, having the other inmates as students. His example and instructions had such an effect that the Warden was wont to say: "Reynolds is worth more than all the guards in keeping order among the prisoners."

The Miles Case.—Another case of polygamy had its inception in October, 1878; John H. Miles, a resident of St. George, being the party defendant. The case originated at Salt Lake City, where Miles was arrested and had a hearing before U. S. Commissioner E. T. Sprague, prior to his indictment by the Grand Jury. The evidence showed that the defendant and Miss Caroline Owen, late of London, England, had been married in the Endowment House; the ceremony being performed by General Daniel H. Wells, formerly chief officer of the Utah Militia, and one of the First Presidency of the "Mormon" Church; but at this time holding the position of Counselor to the Twelve Apostles. Mrs. Miles alleged that on the same day, and just prior to her own marriage, her husband had wedded Miss Emily Spencer, also of St. George. The complainant had not witnessed the ceremony, but declared that she had consented to it, and had seen Emily at the Endowment House that day. When she (Caroline) was married, Counselor Wells had said to Miles: "Your first wife ought to be present at this ceremony;" and during a reception held that evening Emily Spencer was referred to as "Mrs. Miles." Following a disagreement between the two women, Caroline went next morning to the United States Marshal, and made allegations resulting in the arrest of her husband for polygamy.

Almost immediately she sought to retrace this step, with a view to protecting the man she had married. She wrote a letter, which was published in the Salt Lake Herald, denying all that she had previously asserted to the injury of her husband. They became reconciled, and she accompanied him to his home in Southern Utah. Soon, however, she again left him, and at the time of his trial was as much opposed to him as before.

Before Judge Emerson.—The Miles trial took place before Associate Justice Emerson, at Salt Lake City, beginning late in April, 1879. The purpose of the prosecution was to prove a marriage between John Miles and Emily Spencer, for only upon that basis could the defendant be convicted of polygamy. His marriage with Caroline Owen was conceded, and her testimony was therefore objected to by the defense, since a wife could not legally testify against her husband. The marriage with Miss Spencer was denied, and to show that it had taken place just before the other ceremony, was the aim of the prosecuting officers.

At the trial Caroline Owen Miles gave what purported to be a description of the apparel worn by those passing through the Endowment House, her testimony having special reference to the dress of Emily Spencer. The prosecution sought to

show that such a costume was invariably worn in that place by persons going there to be married, and to establish this point and corroborate the testimony of Mrs. Miles, Counselor Wells was called to the stand. In answer to questions from United States Attorney Van Zile, the witness stated that it was customary for persons married in the Endowment House to wear certain robes. He was then asked to describe the robe, but declined to do so. The Court decided that the questions were proper, but still the witness refused to answer. Adjudged in contempt, he was committed to the custody of the Marshal. Later, however, he was released and given an opportunity to purge himself of the contempt.*

Imprisoned for Contempt.—It was the third day of May, when General Wells, with his attorneys, appeared before Judge Emerson, and stated that he would try to answer the questions that had previously been propounded. Accordingly they were put to him again, but in such a way that he felt compelled to reiterate his refusal, declaring himself under a sacred obligation to preserve secret what he was now asked to reveal.

Mr. Van Zile: "Then we are to understand that you have taken an oath not to reveal what takes place in the Endowment House?"

General Wells: "I did not say so—I said a sacred obligation. I consider it as sacred as any oath taken in a court of justice."

Judge Emerson informed the witness that he had not purged himself of contempt, but by his present attitude was again in contempt.

General Wells: "I consider any person who reveals the sacred ceremonies of the Endowment House, a falsifier and a perjurer, and it has been and is a principle of my life never to betray a friend, my country, my religion, or my God."

Subsequently the defendant filed an affidavit, disclaiming any intentional disrespect to the court, and stating that he declined to answer the questions wholly upon conscientious grounds. He was willing to testify to any material fact not covered by a previous obligation, and had he been interrogated while on the witness stand, would have stated that persons

*The Endowment House, which stood on the northwest corner of Temple Block, served the Latter-day Saints in lieu of the Salt Lake Temple until that edifice was completed. Therein were performed religious rites and ceremonies, such as baptisms, ordinations, and marriages, including vicarious work for the dead. It was regarded as reprehensible in the extreme for one who had "passed through the House" to reveal what they saw and heard there. The proceedings were sacred to those who believed in them, as much so as are the ceremonies and obligations of Free Masonry to its votaries.

passing through the Endowment House wore special garments, which were precisely the same whether the wearer was there to be married or was present for some other purpose. Those married were not distinguished by any difference in dress.

The affidavit was supplemented with an argument from the defendant's attorney, Judge Sutherland, to the effect that the questions put to the witness were irrelevant, immaterial, and unimportant; and it was contended that the same delicate consideration should be shown to what he religiously cherished, as was due to all other private and sacred affairs not within the proper scope of judicial inquiry.

Judge Emerson: "The question at issue is not a personal one between the defendant and myself, but between the defendant and the court as a representative. General Wells has defied the mandate of the court, and the supremacy of the law must be maintained. The question of the materiality of the inquiries is closed, and does not enter into this matter, but I am more firmly convinced than before that those inquiries are material. It is a very disagreeable duty that I have to perform, but I have no alternative. It is ordered that the defendant pay a fine of one hundred dollars, and that he be imprisoned for a period of two days."

A Great Ovation.—General Wells, in custody of Marshal Shaughnessy, was forthwith conveyed to the Penitentiary. His imprisonment caused a great sensation. The "Mormon" community was profoundly stirred, and the larger part of the population of Salt Lake City and neighboring towns turned out to welcome him on his release from prison. Fully ten thousand people marched in procession, and the immense pageant was witnessed by many thousands more. Midway, in an open carriage, rode the gray-haired General, in company with President Taylor and other leading men, who had met him at the Burton Farm, three miles south of the city. They escorted him to the Tabernacle, where his entrance into the thronged auditorium was the signal for tremendous and prolonged applause. Music and speeches followed, bringing the reception to a close.

The Salt Lake Herald, describing the event, said: "We question if the world has ever before seen an impromptu demonstration of this magnitude and this character where nothing was said or done that could be found fault with, or which gave no occasion for alarm." The Salt Lake Tribune denounced the whole affair as "a public defiance of the national judicial authorities." That paper also asserted that the Stars and Stripes were trailed in the dust by some person in the procession. But this was a mistake. There were many American flags in that procession, but they were borne aloft, not trailed

in the dust. The present writer was there, and saw it all.*

Miles Convicted.—The Miles trial, out of which grew this stirring episode, ended while the procession was marching up Main Street. As it passed the Federal Court Room, which was then in the Wasatch Block at Second South Street, a placard announcing a verdict of "Guilty" was displayed from the balcony by an officer of the court. The defendant was sentenced to pay a fine of one hundred dollars, and to be imprisoned for a term of five years. The Supreme Court of the Territory affirmed the decision, and an appeal was then taken to the Supreme Court of the United States.

Brigham Young's Estate in Litigation.—In June, 1879, an important civil suit was planted in the Third District Court. The parties plaintiff were several of the heirs of the late President Young, whose executors, George Q. Cannon, Brigham Young, Jr., and Albert Carrington, were proceeded against upon a charge of "wilfully wasting and converting" a large portion of the President's estate, by "pretending to allow" the sum of $999,632.90 on "a false and fraudulent claim" presented by the Trustee-in-Trust of the Church of Jesus Christ of Latter-day Saints. Application was made for an injunction restraining the executors from the further performance of their duties, and enjoining President John Taylor, as Trustee-in-Trust, from disposing of any property consigned to him in the settlement of said claim. Judge Emerson granted the application, issued the injunction, and appointed two receivers, William S. McCornick, banker, and United States Marshal

*Here are a few samples of the mottoes carried in the procession:

"The rights of conscience we never submitted, we could not submit; we are answerable for them to our God."—Thomas Jefferson.

"If ever the laws of God and men are at variance, the former are to be obeyed in derogation of the latter."—Blackstone.

"Thou shalt not forswear thyself, but shall perform unto the Lord thine oaths."—God's Law.

"Thou shalt forswear thyself, or go to prison."—Modern Law.

"There is nothing more sacred than a religious obligation."

"When Freemasons, Odd Fellows and others are compelled to make their secrets public, it will be time enough to practice on Mormons; try the others first."

"Better the Penitentiary for faithfulness in this world, than the Prison-house for perjury in the next."

"We do not care so much about the color and cut of aprons as we do about justice and equal rights."

"The dignity of courts will never be upheld by persecution and proscription."

"While we contend for religious liberty, we do not rebel against the Government."

"We venerate the Constitution, we honor the law, we respect the Executive, Congress and the Judiciary; we bow to the righteous mandates of the law, but we despise bigots, we execrate tyranny, and protest against intolerance from any source."

Shaughnessy, to take charge of all property involved in the litigation.

President Taylor, in his reply, showed that the claim against the Estate was "a bona fide existing indebtedness," representing the value of property held by the late President in trust for the Church. It had been fully recognized as a liability by President Young, whose will authorized his executors to settle all such trusts. President Taylor therefore asked that the injunction be dissolved, the order appointing receivers revoked, and the action dismissed at plaintiffs' cost. The Executors, in a separate answer, corroborated President Taylor's statement.

Executors Imprisoned.—Then came the arrest of the Trustee-in-Trust and the Executors, for failing to turn over certain properties; the warrant being issued by Judge Boreman, who had temporarily succeeded Judge Emerson. President Taylor, having shown that he had complied with the order of the court as far as possible, was discharged from custody, but the Executors, for refusing to furnish additional security, were committed to the Penitentiary. There they remained until the 28th of August, when Judge Boreman's order was reversed and set aside by the Supreme Court of the Territory.*

GOVERNOR MURRAY.

Settled by Agreement.—The suit of the Heirs versus the Executors, with a counter-suit brought by the Church for the recovery of its property, was settled by agreement between the parties. The final decree in the case, dated October 4, 1879, was issued by Chief Justice John A. Hunter. Judge Hunter was from Missouri, and had arrived in Utah during the previous summer.

Governor Murray.—The successor to George W. Emery

*During the litigation George Goddard, who had charge of the Black Rock House and grounds on the southern shore of the Lake, holding the property under a deed from the Trustee-in-Trust, was arrested and imprisoned for refusing to surrender it. The charge against him was contempt of court, but he was liberated, and the case dismissed, as soon as the Marshal had secured possession of the property.

as Governor of Utah was Eli H. Murray, of Kentucky, reputedly the handsomest man in the Blue Grass State. He was indeed fine looking, and possessed a genial, jovial nature. Hospitable and convivial in disposition, he easily made friends, and as a rule they remained loyal and devoted to him. Something of a journalist and a lawyer, though not distinguished as either, Murray, during the Civil War, had been one of Sherman's officers in his famous "March to the Sea." Subsequently he was United States Marshal of Kentucky. The date of his arrival at Salt Lake City was February 29, 1880.

The Year of Jubilee.—That year was a notable one in Utah. It witnessed "The Mormon Jubilee," commemorating the fiftieth anniversary of the Church of the Latter-day Saints; and there was also an elaborate celebration of Pioneer Day. It was during the General Conference in April that President Taylor brought the subject of the Jubilee before the vast congregation, reminding them of the custom in ancient Israel to observe every fiftieth year by proclaiming "liberty throughout all the land unto all the inhabitants thereof." At such times poor debtors were released, bondmen freed, lost inheritances restored, and a season of general rejoicing inaugurated. He and his associates had thought that the close of "Mormonism's" first half century should witness something of like character.

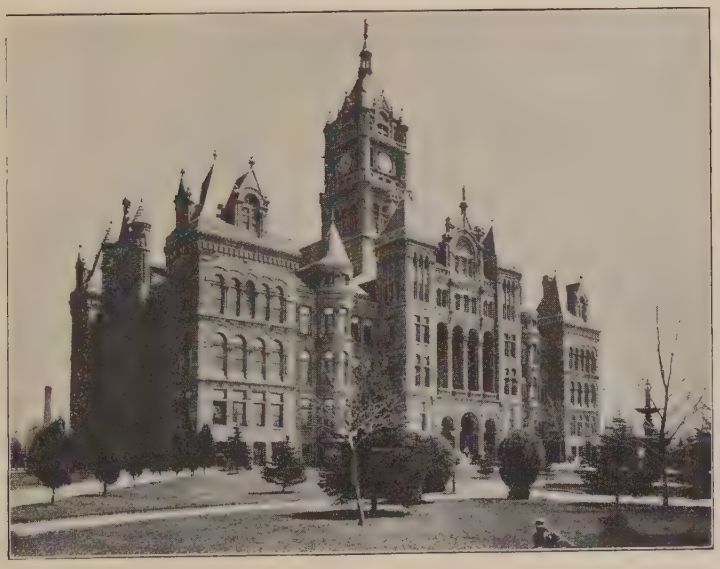
The proposition was timely and appropriate, for during the previous year a drouth, followed by a severe winter, had caused considerable suffering in some parts. President Taylor suggested, as measures of relief: First, the remission of one-half the indebtedness due to the Perpetual Emigrating Fund Company, amounting to $802,000; Second, the remission of one-half the amount of unpaid tithing, equivalent to $75,-899.00; Third, the distribution by the Church to the poor, of one thousand head of cows and five thousand head of sheep; Fourth, a loan by the Relief Societies, to farmers needing seed grain, of the wheat stored up by those societies, amounting to 34,761 bushels.

These measures having been approved by the Conference, the President continued the subject, advising the rich and prosperous to forgive their poor debtors, and suggesting that Z. C. M. I. set an example among business houses, by cancelling upon its books the accounts of those who were unable to make settlement.

"The Tree of Liberty."—July came, and with it a "Gentile" observance of Independence Day, an exclusive affair, to which no "Mormon" was bidden. The program was rendered on Washington Square, since adorned by the stately Salt Lake

City and County Building. Mr. P. L. Williams was orator of the day, and Governor Murray also addressed the open air assemblage. The oration by Mr. Williams was eloquent, and of course patriotic, containing nothing to offend any person or class. But the Governor let play his poetic fancy in an allusion to "The Tree of Liberty," as being "rich enough in timber to construct scaffolds and coffins for all those who may treasonably conspire to break down our Constitution and to violate its written laws." Nobody was frightened at the gruesome metaphor, though some thought it in bad taste, particularly at such a time. The Deseret News, knowing the target of the inuendo, took occasion to inform his Excellency that just such talk had been heard in years past from men who had since gone the way of all flesh and were slumbering in forgotten graves, while the object of their attack was still alive and flourishing. The answer of the Pioneer Day Committee was a polite invitation to Governor Murray and his friends to take part in the approaching celebration.

Acceptance Not Acted Upon.—The Governor responded with an equally polite note of acceptance, in which he graciously said a good word for the Pioneers. Similar communications were received from nearly all the local representatives of the Federal Government. Not one of them, however, attended the celebration; just why, is not very clear,



SALT LAKE CITY AND COUNTY BUILDING.

since "Mormons" and "Gentiles" had more than once coalesced on such occasions, and were destined to do so again and again. A tentative explanation is that events were on the wing which made it undesirable, from the "Anti-Mormon" point of view, for Guelf and Ghibelline to unite and thus convey the impression to the country at large that all was well in Utah.

Twenty-Five Nations Represented.—The Pioneer Day celebration was probably the most complete and successful affair of its kind that Utah had known. Conspicuous in the long pageant parading the streets of the capital, were three floats carrying natives of various countries then represented in the population of the Territory. These nationalities numbered twenty-five—a man and a woman to each. The nations represented by them were the United States, the American Indians, Canada, Hawaii, Holland, Germany, France, Spain, Switzerland, Italy, South Africa, Sweden, Denmark, Norway, Iceland, Schleswig-Holstein, Russia, Ancient Britain, England, Ireland, Scotland, Wales, Isle of Man, British India, and Australia. Upon one of their banners was inscribed the prophetic legend: "I will gather you out from all nations."

Past and Present Conditions.—Part of the program was rendered in the Tabernacle, the interior of which presented a striking spectacle. At the west end, in living pictures, was portrayed Utah, or the country embraced within her boundaries, as the Pioneers found it, and as it had since become

INTERIOR OF THE TABERNACLE.

under the blessing of Providence and the industry of the people. At one side of the organ, under a scroll bearing the date 1847, was a pine grove, surrounded by sage brush, with figures of deer, buffalo, and other wild animals showing among the branches; while near by arose a wickiup or tepee, before which sat an Indian family. On the other side, under the date 1880, stood a handsomely furnished modern dwelling, surrounded with exotics, house plants, and various kinds of flowers and garden shrubbery, forming an arbor under which were seated women and children. Over all hung the Stars and Stripes. Forty-two of the original Pioneer Company, including one of its three women, Mrs. Clara Decker Young, were present on the occasion.

Another Presidential Visit.—The Jubilee Year was rendered still more interesting by a visit from the President of the United States. It was the 5th of September, when President Hayes, accompanied by his wife, Secretary of War Ramsey, General Sherman, General A. McDowell McCook and others, reached Salt Lake City, en route to the Pacific Coast. The first news of their coming had been received by General Smith at Fort Douglas, and as early as the 20th of August, at a meeting of Federal officers and other "Gentile" citizens in the Walker House parlors, a committee had been formed to make arrangements for their reception. Governor Murray was the chairman.

PRESIDENT HAYES.

The Municipal Authorities had also taken steps to honor the Chief Magistrate by tendering the usual courtesies. Their committee, which included representatives of all classes, had been instructed to invite Federal and Fort Douglas officers to participate. Mayor Feramorz Little sent a telegram to the President, tendering to him and his party the hospitalities of Salt Lake City, but received the reply that by prior arrangement he was to be the guest of the Governor of the Territory. "I hope you are acting in concert," was the concluding sentence of the President's dispatch. The Mayor and his associates, having no alternative, abandoned their preparations, and as private citizens joined with the people in giving welcome to the Nation's Chief.

Governor Murray and his committee met President Hayes at Weber Station (Morgan), a small railroad town east of Ogden. At the latter place the visitors were received by President John Taylor, General Daniel H. Wells, Delegate George Q. Cannon and others, who had taken a special train from the capital for that purpose. Between Ogden and Salt Lake multitudes of people, including many children, greeted the President and Mrs. Hayes, who hailed the little ones with genuine delight.

After leaving the train the President and his party, running the gauntlet of public salutation, were driven to the Walker House, where the guest of honor came out upon the portico, and was introduced by Governor Murray to the crowd thronging the street and sidewalks. It being the Sabbath, President Hayes excused himself from making a speech, but uttered a few words in praise of all that he had beheld in Utah, thanking the people for their hearty welcome and kind reception. Secretary Ramsey and General Sherman each spoke briefly, and Mrs. Hayes, in response to a general call, appeared and smilingly bowed in acknowledgment of the three hearty cheers given in her honor.

PRESIDENT JOHN TAYLOR.

Monday's proceedings included a visit to Temple Block, a public reception at the Walker House, and a drive to Fort Douglas, where the President took luncheon. At one p. m. he continued his journey.

Other Notable Comers.—Between the visits of President Grant and President Hayes, the most notable arrivals in Utah were Baron Lionel de Rothschild, "the modern Midas," and Dom Pedro, Emperor of Brazil. Within the next few years came Henry Ward Beecher, to lecture in the Salt Lake Theatre; Edwin Booth, who played an engagement there; and Adelina Patti, the first great prima donna to sing in the Tabernacle.

President Taylor and Counselors Installed.—The month following the visit of the Hayes party witnessed the formal installation of John Taylor as

President of the Church of Jesus Christ of Latter-day Saints. He chose George Q. Cannon and Joseph F. Smith as his Counselors, and on the 10th of October, the fifth day of the General Conference, which was held as usual in the Tabernacle, the three were presented and sustained as the First Presidency of the Church.

End of the Miles Case.—In April, 1881, the Supreme Court of the United States handed down its decree in the Miles case. It held that an error had been committed in the trial court by allowing Caroline Owen to give evidence against Miles, touching his alleged marriage with Emily Spencer, since the law in Utah provided that a wife should not be a witness for or against her husband, or vice versa. "The marriage of Miles with Caroline Owen," said the Court, "was charged in the indictment, and admitted by him upon trial. The fact of his previous marriage with Emily Spencer was therefore the only issue in the case, and that was contested to the end of the trial. Until the fact of the marriage of Emily Spencer with Miles was established, Caroline Owen was prima facie his wife, and she could not be used as a witness." The case was remanded for a new trial, but none took place. The United States Attorney felt that a conviction was impossible, and the prosecution was therefore abandoned.

XXV.

THE ANTI-POLYGAMY MOVEMENT.

1878-1882.

"Gentile" Women Organize.—Just after the preliminary examination in the Miles case, an organization styling itself "The Anti-Polygamy Society" was formed among the "Gentile" women of Salt Lake City. This Society, which became national in its scope and activities, played a prominent part in the general movement that soon began for the suppression of the practice of plural marriage. At the first meeting of the Anti-Polygamists, which was held in the Congregational Church (Independence Hall) November 7, 1878, about two hundred persons were present, mostly women. Mrs. Sarah A. Cooke, who had once been a "Mormon," presided on that occasion. The Secretary of the Society was the wife of General Moses M. Bane, Receiver of the United States Land Office.*

To the Women of the Nation.—The members of the Anti-Polygamy Society, signed and sent forth a document addressed "To Mrs. Rutherford B. Hayes and the Women of the United States." Therein they referred to polygamy as "a great crime," and declared that it had never taken such a debasing form among any people above the condition of barbarism as in Utah. Then followed this comment: "That it should be practiced in the name and under the cloak of religion, and that an Apostle, a polygamist with four acknowledged wives, is permitted to sit in Congress, only adds to the enormity of the crime, and makes it more revolting to our common Christian principles." In the closing paragraph they called upon "the Christian women of the United States" and "every minister of the Gospel," to join "in urging Congress to empower its courts to arrest the further progress of this evil, and to delay the admission of Utah into Statehood until this is accomplished." Copies of the address, and of a memorial to Congress asking for legislation that would render effective the Anti-Bigamy Law, were circulated throughout the United States for signatures.

*An assault by this lady's step-son, Dr. Harry Bane, upon the person of Mr. A. M. Musser, owing to certain articles communicated to and published in the Salt Lake Herald, was one of the exciting incidents of that time. At the close of Bane's examination in the Police Court, Musser returned the assault, using upon his antagonist the same whip that had figured in the original attack. Both parties were held to answer to the Grand Jury, but nothing more came of the affair.

This action was supplemented by the establishment of a paper called "The Anti-Polygamy Standard," and the sending of lecturers (women) through the Eastern States, to awaken an interest in the cause. Two of these lecturers were Mrs. Jennie Froiseth and Mrs. A. G. Paddock. The result was the formation of many branch societies, all modeled after and drawing inspiration from the parent organization in Utah. The institution in its entirety was known as "The Women's National Anti-Polygamy Society."

A Counter Demonstration.—The first noticeable effect of the agitation was a counter movement among the women of the "Mormon" community, who, thronging the Salt Lake Theatre on the 16th of November, put the stamp of their emphatic disapproval upon the aims and methods of the Anti-Polygamists. Their address was characterized as "false and misleading," and resolutions were adopted affirming a belief in plural marriage and denying the allegations made against it. Among the speeches delivered was one by Eliza R. Snow, the leading "Mormon" woman of the period. A memorial to Congress was adopted, asking that body not to enact the legislation that had been suggested. The signers of the memorial also requested that the elective franchise be conferred upon the women of the Nation.

ELIZA R. SNOW.

The Evarts Circular.—During the following summer an official letter was issued by Secretary of State William M. Evarts, instructing representatives of the United States in various European nations to ask of the governments at whose courts or in whose shipping ports they discharged their functions, to assist in suppressing "Mormon" emigration to this country. The reason assigned for the proposed embargo was that the "Mormons" were devotees of a faith that tolerated polygamy, which had been made by the laws of the United States a crime. It was assumed that all "Mormons" believed in and would practice polygamy, and that those who designed

emigrating to Utah were therefore prospective violators of the Federal Statutes.

The proposed punishment (by embargo) of men and women for crimes they were suspected of intending to commit, was rather a new doctrine to American minds, and more or less novel to European intellects. It is not surprising, therefore, that the Evarts Circular became a subject for criticism and even ridicule among statesmen and diplomats the world over.

Gladstone and "Mormon" Emigration.—Premier Gladstone, when requested to prevent young women in Great Britain from emigrating to Utah, replied: "I presume the young people go there of their own accord." To this common-sense conclusion of England's "Grand Old Man," be it added that the Latter-day Saints have never put forth any special efforts for the conversion of women; all sensational tales to the contrary notwithstanding. "Mormon" missionaries preach to and baptize both sexes, but are under strict instructions not to receive into the Church any married woman without the consent of her husband, nor young people of either sex who are under age without the permission of their parents.

Presidential Recommendations.—In December, 1879, President Hayes included in his message to Congress a reference to polygamy, recommending that "more comprehensive and searching methods for preventing as well as punishing this crime be provided." That was nine months before the President visited Utah. Soon after his return from the West he addressed to Congress his final message, containing similar suggestions. What President Hayes said upon the subject, was virtually repeated by his successor, President Garfield, in his inaugural address, and by President Arthur in his first message to Congress.

Scope and Purpose.—It began to look as if the local movement were but the opening skirmish to a general assault all along the line of the "Mormon" defenses, ecclesiastical and political. And such, indeed, it proved to be, whether concerted or otherwise. The Anti-Polygamy Society, with its apparent object—the expulsion or exclusion from Congress of the Delegate from Utah—played into the hands of, and was virtually an adjunct to, the "Anti-Mormon" political party.

People and Liberals.—In the autumn of 1880, by the usual overwhelming majority, George Q. Cannon was re-elected Delegate to Congress. Already he had been chosen four times for the place, and twice after election his right to the seat had been contested; but after each contest he had been admitted to the House of Representatives and had served out his term.

After the unsuccessful attempt to unseat him in 1874, there were two elections at which the Liberal Party failed to put up a ticket; and in March, 1879, the People's Party, under a new registration law, regained control of Tooele County. The Liberal nominee for Congress in 1880 was Allen G. Campbell, a rich mining man of Southern Utah. Tuesday, November 2nd, was the date of the election; the time for choosing the Delegate having been changed from the month of August pursuant to an Act of Congress.

GEORGE Q. CANNON.

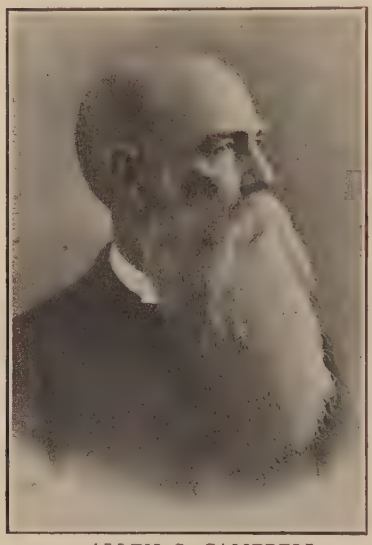
The Election Returns.—On the fourteenth day of December, in the presence of Governor Murray and others, the Secretary of the Territory, Arthur L. Thomas, opened the returns of the November election.* It was shown that George Q. Cannon had received 18,568 votes, and Allen G. Campbell 1,357 votes, as Delegate to the Forty-Seventh Congress. The next thing in order, had the regular order been observed, was the issuance of a certificate of election, under the Congressional statute governing in such cases, and which provided as follows:

"Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the Legislative Assembly thereof. The person having the greatest number of votes shall be declared by the Governor duly elected, and a certificate shall be given accordingly."—Revised Statutes of the United States, Section 1862.

In this case "the person having the greatest number of votes" was, of course, George Q. Cannon; and he, therefore, was entitled to the certificate. But it was not the purpose of the Governor of Utah to be guided by the law of Congress in dealing with this matter.

*Mr. Thomas was a native of Chicago, Illinois, and had begun his official career as a page in the House of Representatives at Washington. He was Secretary of Utah under Governor Emery, and continued in that office when Murray became Executive.

Campbell's Protest.—Just before the opening of the returns, a document signed by Allen G. Campbell had been filed with the Secretary of the Territory. Therein Mr. Campbell protested against the issuance of the certificate to Mr. Cannon, and demanded that it be given to himself. The main ground of the protest was an allegation to the effect that George Q. Cannon was not a citizen of the United States, and therefore not eligible to the office of Delegate. It was also contended that his ineligibility, resulting from alienage, was aggravated by polygamy, incompatible with citizenship and inconsistent with an honest oath of allegiance to the Constitution.



ALLEN G. CAMPBELL.

Cannon's Reply.—Delegate Cannon, to whom a copy of the protest was sent, forwarded his reply from Washington, answering each allegation in its order. First, he denied the right of the Governor and the Secretary to "go behind the returns;" their duties as canvassing officers being purely ministerial. They had no judicial powers in this connection if the election returns were in substantial conformity to law. It was the Governor's plain duty to give to "the person having the greatest number of votes" the certificate of election, and it remained for the House of Representatives, the only tribunal empowered to judge of the qualifications of its members, to decide any question of eligibility.

In answer to the charge of alienage, Mr. Cannon declared that he was a citizen of the United States, and had proved it to the satisfaction of the House of Representatives, whose Committee on Elections of the Forty-fourth Congress had unanimously overruled this precise objection, made at that time by his opponent, Mr. Baskin. As to polygamy, the Committee on Elections of the Forty-third Congress, when Mr. Maxwell was the contestant, had unanimously held, and the House had concurred in the view, that the only qualifications or disqualifications of Delegates were those prescribed by the Constitution for Representatives, and that polygamy was not a disqualification for a seat in the lower house of Congress.

Mr. Campbell's claim that the certificate should be issued to him, involved the political heresy that the ineligibility of a candidate having the highest number of votes gave the election to an eligible candidate having a lower number of votes; a doctrine more than once repudiated by the Senate and House of Representatives.

The Defeated Candidate Declared Elected.—The presentation of documents was followed by oral arguments. John R. McBride, a prominent attorney, appeared for the protester, while William H. Hooper and John T. Caine represented the absent Delegate. At the conclusion of the hearing Governor Murray rendered his decision—to this effect: George Q. Cannon was an unnaturalized alien, and the credentials could not lawfully be given to one who was not a citizen of the United States. Mr. Cannon, being a polygamist, could not now be naturalized, since his marital relations were incompatible with an honest oath of allegiance to the Constitution. "It having been shown," said the Governor, "that Mr. Cannon is not a citizen, and that he is incapable of becoming a citizen, I cannot, under the law, certify that he is 'duly elected;' and Mr. Campbell, having received the greatest number of votes cast for any citizen, was therefore duly elected, and must receive the certificate accordingly." Thereupon the document was awarded to Mr. Campbell; its date being January 8, 1881.

How the Act was Viewed.—Governor Murray's substitution of the word "citizen" for the word "person," in the Act of Congress relating to election certificates, was prima facie proof that he had no right to do as he had done. The case stood thus: The candidate of his political party had been "snowed under" at the polls—utterly vanquished; and this was Murray's method of "snatching victory from the jaws of defeat." Not finding the law on his side, he bent the law to suit his purpose, as others had done before him. With him, as with them, "the end justified the means," and it was "lawful to do evil" in order that "good" might come. He was sworn to uphold the laws of his country, and in his Fourth of July speech, that year, had virtually threatened with "scaffolds and coffins" any who conspired to "break down" those laws. Yet he did precisely what he himself had condemned, thus setting an example of disobedience before those whose reclamation from "lawlessness" he professed to desire. Respect for law must be taught, if the process of teaching it broke every statute in the national archives. Such was the logic of the Governor's position.

The belief was very general that Murray had exceeded his authority. President Hayes expressed that opinion in an in-

terview with Delegate Cannon. Here are a few press comments upon the subject: St. Louis Globe-Democrat—"Governor Murray, of Utah, is on his way East to receive congratulations for his conduct in giving a certificate of election to a man who had no title to it." Sacramento Record-Union—"All he had to do was to issue the certificate, and he has issued it, in defiance of the law, to the man who was defeated, instead of to the man who was elected." Chicago Times—"The manner in which Cannon has been treated is simply an inexcusable outrage." Boston Herald—"If Delegate Cannon was legally elected, he is entitled to his certificate. If he is disqualified by reason of felony or any other cause, Congress alone has the power to deny him a seat." New York Graphic—"A refusal of a certificate to Cannon would not warrant the granting of a certificate to Campbell." New York Tribune—"It is a pity that the opponents of polygamy should give their adversaries any advantage by taking a clearly untenable position. * * * The House will be compelled, as a matter of course, to refuse Campbell his seat."

An Opposite Expression.—The Governor's friends, however, voiced another view of the question. Some papers defended or palliated the course that he had taken. One of these was the Louisville Courier-Journal (Henry Watterson's paper) published in Murray's home State. In Utah the "Anti-Mormons" stood by him to a man. The Liberal Party, or the framers of its next political platform, warmly commended the Governor as "a faithful, fearless, and patriotic public officer," one who in the matter of the election certificate had "performed his official duty in a bold, manly, and patriotic manner."

Murray's Plan a Failure.—Throughout the Nation the concensus of opinion was such that it soon became apparent that Governor Murray's plan for getting rid of the Delegate-elect and putting the minority candidate in his place, would not commend itself to the law-making powers at Washington. It was evident that some better way—some legal method must be found, to exclude the man whom the vast majority of the voters in Utah had chosen to represent the Territory in the halls of Congress. Such a method was eventually provided, and the desired object attained. Meanwhile the futile contest went on.

A Point for the Delegate.—In February, 1881, while Governor Murray was absent from Utah, legal proceedings were instituted for the purpose of compelling Acting Governor Thomas to issue a certificate of election to George Q. Cannon. An alternative writ of mandate was issued, and the hearing

took place before Associate Justice Stephen P. Twiss, who had recently succeeded Judge Boreman and was officiating temporarily at Salt Lake City. Judge Twiss decided that the Court could not compel the Acting Governor to issue the certificate. As Secretary, however, Mr. Thomas obligingly gave a certified statement of the number of votes cast for each candidate at the election; and this statement was forwarded to Washington. Upon the showing thus presented, the Clerk of the House of Representatives, Mr. George M. Adams, of Kentucky, placed the name of George Q. Cannon upon the roll of members at the opening of the Forty-Seventh Congress.

Efforts to Retrieve.—Surprised by this sudden turn in affairs, the Liberal leaders sought at once to regain the lost ground which had slipped so unexpectedly from under the feet of their candidate. Efforts were made to induce Chief Justice Hunter to decree that George Q. Cannon was not an American citizen, and to enjoin him from drawing the salary and compensation pertaining to the office of Delegate. Judge Hunter granted the injunction, but subsequently it was dissolved, and the complaint dismissed.

The Question of Citizenship.—George Q. Cannon's alleged lack of citizenship rested upon two grounds, both technical. He had been admitted a citizen in December, 1854, but the record of his admission was not in the Minute Book of the District Court; it having been customary at that time to keep the record of naturalizations in a special book provided under an order issued by Associate Justice Shaver. This book, containing the evidence of Mr. Cannon's citizenship, was presented to Governor Murray, who nevertheless declared that the court records failed to prove him a citizen. The other ground of objection was that George Q. Cannon, at the time of making oath that he had resided five years in the United States (the usual requirement made of foreign-born applicants for citizenship) had spent most of that period in the Hawaiian Islands, upon a mission for his Church. This showing was met by the argument that one's residence is where one's home is, and that Elder Cannon's home, during his mission, was in Salt Lake Valley, to which place he returned as soon as his mission ended. That view of the case had been taken by a Congressional committee in one of the former contests against him, and the decision was in his favor.

A Crusade of Calumny.—Those who worked most zealously for legislation that would punish polygamy and at the same time exclude the Utah Delegate, were not content to submit to Congress and the country a mere statement of facts. As usual when great changes, social, religious, or political, have been resolved upon, and the case against the people who

happen to be the object of the revolutionary effort is not strong enough to stand alone, gross exaggeration and flagrant falsehood were employed, in order to arouse and maintain the hostile sentiment upon which the movement depended for its success. A crusade of calumny was inaugurated, and priests, editors and politicians, in most parts of the country, engaged in it with a zeal rivaling that of John Brown and the Abolitionists, or of Peter the Hermit during the Mediaeval Crusades.

Church Influence.—"Church influence," the use of which in politics was charged against the "Mormon" leaders, and constituted one of their cardinal crimes in the eyes of their opponents, was freely and openly invoked for the overthrow of the political power of those leaders. The Anti-Polygamy Society, in its address "to the women of the Nation," had urged them to call upon "every minister of the Gospel" to join "in urging Congress to empower its courts to arrest the further progress of this evil." And the ministers promptly responded. Nearly all the Protestant churches of America, including those in Utah, took part in this Nation-wide movement, and from their pulpits, all over the land, an incessant verbal cannonade was kept up during the sessions of Congress in 1881 and 1882. Dr. Talmage, the great Beecher's noisy successor at the Brooklyn Tabernacle, wanted the United States Government to "thunder into" the "Mormons" "the seventh commandment," with "cannon of the biggest bore." Reverend Joseph Cook, of Boston, was equally splenetic and un-Christian. Several of the churches held conventions and passed resolutions against the religion of the Latter-day Saints. A Methodist Conference in Ogden, Utah, resolved that "polygamy should not be reasoned with, but stamped out;" an opinion which Dr. Newman, Orson Pratt's sometime antagonist, was supposed to share.

The Deseret News, commenting upon this mixture of religion with politics, said: "There is a big noise over an alleged connection between 'Mormonism' and Utah politics, while at the same time Methodism and other isms are interfering in national politics and urging legislation with all the church influence they can command."

A Notable Exception.—The Catholic Church took no part in these proceedings. Many years later, Bishop Lawrence Scanlan, of Salt Lake City, in conversation with an Eastern newspaper representative who had said to him "I do not see your name, Bishop, on protests and other papers that some of the ministers here are circulating," replied: "No, I never join in anything of that kind. My mission here is not to make war among the Mormon people, or any other people, but rather to be the bearer of the message of peace and good will toward all

men. If there is any law to be enforced, I leave that for my Government to do."*

Garfield's Assassination.—In the midst of the anti-"Mormon" furore, came the shock of President Garfield's assassination, July 2nd, 1881, followed by his death in September. The murderous assault upon the President took place just after the authorities of Salt Lake City had completed arrangements for the opening of Liberty Park on Independence Day. All was ready for that observance, when the awful news came, causing the celebration to be abandoned. Upon the issuance of President Arthur's proclamation appointing a day of humiliation and mourning for the Nation's dead, President Taylor wrote to Governor Murray, tendering the use of the Tabernacle for general memorial services. The offer was declined, on the ground that previous arrangements with ministers of other churches prevented acceptance. The Latter-day Saints, assembling by themselves, appropriately honored the memory of the departed.

The Boston Watchman's Canard.—While the Chief Magistrate, pierced by the assassin's bullet, was hovering between life and death, "The Boston Watchman" published a statement to the effect that "the Praying Circle of the Mormon Church was engaged in continual supplications for the death of President Garfield." It declared that the Deseret News had said so. The News denounced the statement as an "atrocious untruth," and challenged the Watchman to produce its proof. This it could not do. The Baptist paper was but following the lead of other journals and periodicals which had begun a systematic course of misrepresentation, with the evident design of arousing public prejudice and forcing Congress to take action on the pending issue.†

PRESIDENT GARFIELD.

Partial Presentations.—Contributions upon the Utah subject were solicited by leading American magazines; but it

*Newark (New Jersey) News, June, 1903.

†Talmage, the Brooklyn pastor, went so far as to insinuate that the assassin of President Garfield was a "Mormon;" an absurd allegation denied by Guiteau himself, from prison.

transpired that only a one-sided presentation was wanted in most cases. Articles from "Anti-Mormon" sources were welcomed, but those who published them refused any space for a reply.

The Pistol and Bible Story.—Another extravagant tale that went the rounds purported to give the experience of a young Presbyterian clergyman, Duncan J. McMillan, who, it was said, went to Sanpete Valley in 1875, and established "the first school ever known there." The author of this romance related how Brigham Young, George Q. Cannon, and others repaired to Sanpete, and before a full congregation on the Sabbath day urged the people to kill the unoffending minister. Thereafter three attempts were made upon the life of McMillan, who withstood his assailants by holding a loaded pistol in one hand while he preached to them with a Bible in the other. Affidavits from reputable citizens, "Gentiles" and "Mormons," punctured this falsehood, and at a public meeting in Mt. Pleasant, McMillan himself denied the truth of the story. He promised to publish his denial in the Utah papers, but failed to keep his word. There had been schools in Sanpete Valley since the year 1850, and the Reverend McMillan had visited some of them. The Pistol and Bible canard was older than McMillan's day, having been invented by J. P. Lyford, a Methodist minister, who palmed it off as an experience of his own at Provo, Utah County.

The Contest at Washington.—The Campbell-Cannon contest had its opening debate in the national House of Representatives on the 6th of December, 1881. Proceedings continued at intervals until April, 1882, the matter meanwhile being in the hands of the Committee on Elections, to whom it had been referred. Mr. Cannon's citizenship did not figure in any of the discussions. The whole debate hinged upon the question of polygamy. The Utah Delegate was reputed to be the husband of four wives; in fact, he admitted it. But there was no evidence that he had married since the enactment of the Anti-Bigamy Law. Consequently he was not a violator of that statute, which was not retroactive, and contained no allusion to polygamous cohabitation. More legislation was needed before the Delegate could be disqualified from continuing to hold his seat; and the needed legislation came. A law was enacted while the contest against him was pending—a law designed especially to meet the case of the gentleman from Utah.

The Edmunds Bill.—It was just a week after the beginning of the debate in the Utah election case, when Senator George F. Edmunds, of Vermont, came forward with a measure which, if enacted, would effect the exclusion from Congress of the Apostle "with four acknowledged wives." The Ed-

munds Bill made punishable, not only polygamy—the plural marriage itself—but polygamous living, which it termed "unlawful cohabitation." Those living in plural marriage relations were made ineligible for public office "in, under, or for any Territory of the United States." It was this provision that determined the issue in the Cannon case.

The Anti-Polygamists Again.—The day that the Edmunds Bill came before the Senate a souvenir from the Women's National Anti-Polygamy Society was laid upon the desk of each member of Congress. It consisted of a handsomely engraved card, bearing on one fold, in printed crimson letters, a statement made by Delegate Cannon during the election contest, wherein he admitted that he was a member of the Church of Jesus Christ of Latter-day Saints; that in accordance with the tenets of that Church he had taken plural wives who now lived with him and had borne him children; and that in public addresses in Utah, as a teacher of his religion, he had defended the doctrine of plural marriage as a revelation from God. On the other fold, in golden letters, appeared the anti-polygamy paragraph of President Arthur's message to Congress.

President Arthur's Recommendation.—In that message the President referred to the Supreme Court decision in the Miles case, and to the difficulty of proving polygamous marriages. He recommended that an act be passed "providing that in the Territories of the United States the fact that a woman has been married to a person charged with bigamy shall not disqualify her as a witness upon the trial for that offense." He also urged the need of legislation that would require the filing of marriage certificates in the Supreme Court of the Territory.

PRESIDENT ARTHUR.

Memorials From Utah.—The Utah Legislature forwarded to Washington memorials setting forth the true situation in this Territory, and entreating Congress not to act hastily upon any extreme measure affecting the interests of its people. They also asked for the appointment of a committee of investigation. In various towns public meetings were held, and four mammoth petitions, signed by sixty-five thousand persons, were prepared and sent to the

Nation's capital, all protesting against the enactment of unfriendly legislation. These appeals were in vain. The only ones that made any impression were those that came from the opposite side, and mostly from people who knew little or nothing about affairs in Utah.

Effects of the Agitation.—As a result of the sensational proceedings that have been described, the public mind was much inflamed and embittered. Anti-"Mormon" mass meetings were held in Chicago, St. Louis, and other large cities. In some parts of the South missionaries from Utah were threatened, and the houses at which they stayed were beset by armed ruffians and riddled with bullets. Congress was fairly flooded with petitions from all quarters, praying for speedy action upon the burning question.

Railroaded Through.—The Edmunds Bill was debated in the United States Senate on the 15th and 16th of February, 1882. After passing that body, it went to the House, and was considered on the 14th of March. There the entire discussion occupied only about two hours, speeches being limited to five minutes each. Some of them were exceedingly bitter, notably those of Mr. Cassady, of Nevada, and Mr. Haskell, of Kansas. Having been "railroaded through" the House, the measure received the signature of President Arthur and became a law on the 22nd of March.

Outline of the Edmunds Law.—The Edmunds Law declared that every person having a husband or wife living who thereafter married another, whether married or single, and any man who thereafter simultaneously or on the same day married more than one woman, in a Territory or other place over which the United States had exclusive jurisdiction, was guilty of polygamy, and was punishable by a fine of not more than five hundred dollars and by imprisonment for a term of not more than five years. Exceptions were made in cases where one party might have believed the other dead, or where divorce had been granted by the valid decree of a competent court.

Any male person cohabiting with more than one woman in a Territory or other place over which the United States had exclusive jurisdiction, was guilty of a misdemeanor, and liable to punishment by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

In any prosecution for bigamy, polygamy, or unlawful cohabitation, it would be sufficient cause of challenge to any person drawn or summoned as a juryman or talesman, first, that he was or had been living in the relations described, or, second, that he believed it right for a man to have more than one living and undivorced wife at the same time, or to live in

the practice of cohabiting with more than one woman. The person challenged was not bound to answer any question the answer to which might tend to criminate himself, but if he declined to answer on any ground he was to be rejected as incompetent.

The President of the United States was authorized to grant amnesty to offenders against the anti-polygamy laws, upon such conditions and under such limitations as he might think proper; but no such amnesty was to have effect unless the conditions should be complied with. Polygamous children born before the first day of January, 1883, were legitimated.

No polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described, was to be entitled to vote at any election, or to be eligible for election or appointment to, or be entitled to hold any civic office or position of public trust, honor or emolument, in, under or for any Territory of the United States.

All registration and election offices in the Territory of Utah were declared vacant, and provision was made for placing the duties pertaining to the same upon "proper persons," to be appointed by a board of five members, who were to receive their appointment from the President, by and with the advice and consent of the Senate. Not more than three of this board of five were to belong to one political party.

The Secretary of the Territory was to be the Secretary of the Board, and the Board was to canvass the returns of all votes cast at elections for members of the Territorial Legislature, and to issue certificates of election to those who, being eligible, should appear to have been lawfully elected. The Legislative Assembly so constituted was empowered to make such laws, conformable to the Organic Act of the Territory and not inconsistent with other laws of the United States, as it should deem proper for filling the vacant offices.

Each member of the Board was to receive a salary of three thousand dollars a year, and they were to continue in office until the Legislative Assembly, elected and qualified under the provisions of the Edmunds Law, should provide for filling the registration and election offices as authorized by that statute.

The Denouement.—All was now ready for the winding up scene—the predetermined rejection of the Utah Delegate. Before final action was taken, Mr. Cannon, on the 19th of April, was permitted to address the House. He briefly sketched Utah's record in Congress, showing that the Territory had been represented by four delegates, namely: John M. Bernhisel, John F. Kinney, William H. Hooper and George Q. Cannon; the first and fourth polygamists, the other two monogamists. Denying that he represented in Congress any re-

ligious body, he stated that all reputable male members of his Church held some office therein, a fact responsible for the supposition that Church and State were united in Utah. All the forms of political procedure found in other Territories and in the States prevailed in this commonwealth, the political and religious organizations being entirely distinct from each other. Mr. Cannon defended plural marriage as a divine institution, and declared that the Edmunds Law had been made retroactive in order to reach his case. He was there as the Delegate from Utah, regularly elected, properly qualified and fully entitled to the seat, his right to it having been vindicated by the House, which had permitted him to occupy it during the four preceding Congresses, when he came under precisely the same circumstances as now. He denounced the denial to him of the election certificate as a fraud, and his proposed exclusion as an effort to murder Utah's representation upon the floor of the House.

The speech was listened to with profound attention, and at the close there was a hearty round of applause. The House then adopted a resolution reported by a majority of the Committee on Elections, declaring vacant the seat of the Utah Delegate. Neither Mr. Cannon nor Mr. Campbell was permitted to occupy it. The "Mormon" was shut out; but Governor Murray's high-handed course in giving a certificate of election to a man who was not elected, received no vindication.*

*Delegate Cannon had many friends in Congress, and some of them, braving public opinion and the wrath of their constituents, refused to vote for his exclusion. Others who did so vote, afterwards confessed to him privately, that in taking that course they had yielded to popular clamor and "committed the most cowardly act of their lives."

XXVI.

THE UTAH COMMISSION.

1882-1883.

Personnel of the Board.—The Board provided for in the Edmunds Law, to have supervision of elections in this Territory, became known as "The Utah Commission." It was originally constituted as follows: Alexander Ramsey, of Minnesota; Algernon S. Paddock, of Nebraska; George L. Godfrey, of Iowa; Ambrose B. Carlton, of Indiana; and James R.

Paddock (Secretary Thomas) Ramsey Godfrey Pettigrew Carlton
THE UTAH COMMISSION

Pettigrew, of Arkansas. These gentlemen arrived at Salt Lake City on the 18th of August, 1882.

Their failure to appear earlier upon the scene of their labors gave rise to a complication, resulting in another Congressional enactment. For this, however, the Commissioners were not responsible. Rather was it due to President Arthur's delay in appointing them. The Edmunds Bill was signed by the President in March, but it was not until June that the

Board was appointed, and not until July that its members received their credentials. This was too late for the regular revision of the registration lists prior to the summer elections. The President's delay was doubtless owing to his desire to obtain suitable men for the places. For that reason, also, he afterwards advised an increase in the salaries of the Commissioners; a suggestion acted upon by Congress, the figure being raised from three thousand to five thousand dollars a year.

Congressional Action Invoked.—The immediate cause of the additional Act of Congress was a letter sent from Salt Lake City and presented in the United States Senate while that body, on the second day of August, was considering in Committee of the Whole the Sundry Civil Appropriation Bill. The letter was signed by Chief Justice Hunter and by Associate Justices Emerson and Twiss. They called attention to the fact that the Edmunds Law vacated all registration and election offices in Utah, and that no registration of voters had been made in the Territory that year. The local law required this to be done in May, and revised the first week in June. The failure of the registration, and the lack of election officers, would prevent the holding of the election fixed for the first Monday in August, at which time successors would have been chosen to all the county officers, also to the Territorial Auditor and Treasurer, as directed by Territorial statute. The Judges went on to show that these successors could not now be chosen for the reasons given, and the failure to elect was liable to cause general disturbance and trouble, especially in view of the fact that many of the incumbents were understood to be polygamists, and so disqualified from holding office. They therefore asked that Congress would take measures to provide for legal successors to all the incumbents whose successors would have been chosen at the August election, "and thereby secure the continuance of good order and the regular and undisputed support of organized government, which otherwise would be seriously jeopardized."

The Hoar Amendment.—To meet a situation supposed to be serious, Senator Hoar of Massachusetts, assisted by Senator Bayard of Delaware and Senator Lapham of New York, prepared an amendment, to be inserted in the bill then under consideration, empowering the Governor of Utah to fill by appointment all vacancies that might be caused by the lapse of the August elections. The proposed amendment caused some discussion, Senator Brown of Georgia being its chief opponent. He deemed it superfluous, and wanted to know why the incumbents could not hold over, as usual in such cases, until their successors were elected and qualified. He was answered

that most of the offices in Utah were held by polygamists—a statement in excess of what the three Judges had asserted—and that polygamists were disqualified by the Edmunds Law. Seeing that his opposition would not avail, the Senator insisted upon a limitation of the term of the Governor's appointees to eight months, and this change being made, the Hoar Amendment, as it was termed, passed the Senate. In the House, Mr. Converse of Ohio endeavored to have it modified still further, but his effort was unsuccessful.

Governor Murray's Appointments.—As soon as the new law went into effect the Governor of Utah proceeded to make appointments to fill vacancies—not only in the offices held by polygamists, but in those held by monogamists as well. All offices, the election for which would have occurred in August, 1882, were considered vacant, and appointments were made to fill them, regardless of any hold-over provision in the local statutes. Most of the apointees were "Gentiles." In a few instances, where no other material was available, the "Mormon" incumbents were retained. In all, about two hundred persons were commissioned to office by the Executive.

The Governor chose as Sheriff of Iron County a man who was not a citizen of the United States; an inadvertence made much of by Murray's critics, recalling as it did his refusal of the election certificate to Delegate Cannon, on the ground that he was "an unnaturalized alien." The newly appointed Sheriff, who was a resident of Parowan, hastened to Beaver, the seat of the District Court, and took out naturalization papers, on being informed of the "greatness" so suddenly "thrust upon" him. Another resident of Parowan declined the appointment of Probate Judge, because unwilling to occupy a position where, as he claimed, he would not have the hearty support of a majority of the people.

Incumbents Refuse to Vacate.—All or most of the officers whom the Governor sought to displace ignored his action, or prepared to resist to the last legal extremity. Like the Senator from Georgia, they regarded the Hoar Amendment as a superfluous piece of legislation. Now that it was upon the statute books, however, they insisted that it be construed and executed according to the intent of its framers. It was not designed to create vacancies, but to provide for filling such as might have been caused by the lapse of the recent elections. Public servants whose terms had expired or were about to expire, and who could not legally continue in office till their successors were elected and qualified, should give way for the Governor's appointees; but all others should remain in their places until regularly succeeded. Those "understood to be

polygamists" should be proved such before they were ousted. So argued the leaders of the People's Party. Not so the Liberal leaders. They looked upon the proposed action as an attempt to nullify an Act of Congress.

In the Courts—The Douglas-Clayton Hearing.—The Governor was quite as determined as were his opponents, and the matter went into the courts. The first cases docketed in the Third Judicial District were those of the Territorial Auditor, Nephi W. Clayton, and the Sheriff of Salt Lake County, Theodore McKean; the former a monogamist, the latter a polygamist. Peremptory writs of mandate to compel them to vacate their offices in favor of the Governor's appointees, George C. Douglas and Arthur Pratt, were applied for, and a hearing took place before Chief Justice Hunter.

It had been arranged that the cases of the Auditor and the Sheriff should be argued together, or rather, that the issue in the Douglas-Clayton case should also decide the Pratt-McKean controversy. There was a formidable array of counsel on either side, such names as Samuel A. Merritt, Idaho's former Delegate in Congress, and William H. Dickson, Utah's future District Attorney, looming up conspicuously. Mr. Dickson had lately come from Nevada. He and Thomas Marshall represented the relators, Douglas and Pratt, while Mr. Merritt and Joseph L. Rawlins appeared for the respondents, Clayton and McKean. Mr. Rawlins was a native son of Utah. During the proceedings the commission of the Territorial Auditor was presented—a document signed by Governor Murray in November, 1880, authorizing Mr. Clayton to hold that office for the term prescribed by law and until his successor was elected and qualified. The term of office—two years—would not expire until the 27th of November, and it was now the 11th of October. A demurrer was interposed by the respondents, denying the Court's jurisdiction to hear or determine the matter in controversy on a writ of mandate; it being contended that quo warranto was the proper process for trying the title to an office. A motion for dismissal was therefore made.

Judge Hunter, at the conclusion of the arguments, took the matter under advisement, and on the 30th of October rendered a decision, sustaining the demurrer, and denying the writs applied for. One ground of the ruling was that nothing in the pleadings went to show that Messrs. Douglas and Pratt had filed their bonds or taken the oath of office as Auditor and Sheriff. The attorneys for these gentlemen took time to consider whether to amend their application, or appeal from the decision of the Court.

The Kimball-Richards Case.—Meantime a similar suit had

been instituted at Ogden, which city shared with Provo the distinction of being the seat of the First District Court; its presiding magistrate holding alternate sessions at both places. The plaintiff in the Ogden suit was James N. Kimball, whom Governor Murray had appointed Probate Judge of Weber County. The incumbent was Franklin D. Richards, who had held the office by election for several consecutive terms. He was one of those "understood to be a polygamist." Judge Emerson's decision in the Kimball-Richards case was diametrically opposite to that of Judge Hunter in the other action, partly owing, perhaps, to the marital status of Mr. Richards. Emerson authorized a peremptory writ of mandate, requiring the incumbent to vacate forthwith. Subsequently, however, he granted a stay of proceedings, and the matter went before the Supreme Court of Utah, where the decision of the District Court was affirmed. An appeal was then taken to the Supreme Court of the United States. Before the case could be finally adjudicated, the eight months for which Mr. Kimball was appointed had expired, and the suit was compromised and withdrawn. Consequently the question at issue was not passed upon by the Court of Last Resort.

FRANKLIN D. RICHARDS.

In Salt Lake County, and in other parts of the Territory matters had come to a standstill, awaiting the issue in the Weber County case. Proceedings were not pressed by the Governor's appointees, and the incumbents remained in office until their successors were elected and qualified.

The Governor and the Legislature.—Several months before the passage of the Hoar Amendment, a controversy had arisen between Governor Murray and the Legislature, over the appointive power claimed by the former, but denied by the latter, respecting certain Territorial officers. The contention involved the scope and meaning of a clause in Section Seven of the Organic Act reading as follows: "The Governor shall nominate, and, by and with the advice and consent of the Leg-

islative Council, appoint all officers not herein otherwise provided for." Basing his claim upon this clause, Governor Murray maintained that it was his right to appoint, among other officers, the Auditor and Treasurer of the Territory, and that they could not legally be chosen by the method then in vogue, namely, election by the people.

Governor Harding had made a similar claim in 1862, at which time those officers were chosen by the joint vote of the Legislative Assembly. Governor Shaffer in 1870 tried to supersede Auditor William Clayton, who had been elected by the Legislature and commissioned by Acting Governor Mann. Shaffer appointed G. W. Bostwick in Clayton's stead, but the latter refused to surrender the office, and Attorney General Snow, the legal adviser of the Territory, sustained him in that attitude. Matters remained as they were until 1878, when the Legislature enacted a law, which Governor Emery approved, making the Auditor and Treasurer elective by the people.

Nominations Rejected—A Retaliative Veto.—Governor Murray, on the 9th of March, 1882, nominated a score or more of persons to public office, including the Territorial Auditor, Treasurer, and Librarian, the Superintendent of District Schools, and the Chancellor and Regents of the University of Deseret. These nominations were sent for confirmation to the Legislative Council, which body, after hearing the Governor's communication, adopted resolutions to the effect that those offices, under local laws enacted at different times, had been made elective by the people or their representatives, and that these laws, having been submitted to, and not disapproved by, the Congress of the United States, were in full force and effect. Moreover, the Council held that the several Executives of the Territory, by approving such measures, had relinquished any right that the Governor might previously have possessed, to fill the places by appointment. It was therefore resolved that Governor Murray's nominations were unnecessary, and that no action thereon was required.

That the Governor was right in his view of the case, the Supreme Court of the United States afterwards decided. Without waiting for that high vindication, however, Murray retaliated upon the local law makers by vetoing several important measures passed by the Legislature and presented to him for his signature. Among these was a bill for an appropriation to the University.

The University Crippled.—The University of Deseret, after a lapse of thirty-two years since the granting of its charter by the Provisional Government, was still without a permanent home. After occupying for several seasons the old

Council House, the "Parent School" had taken up its abode in a weather-beaten though substantial adobe structure once known as "The Union Academy," and at an earlier period "The Union Hotel," taking its name from Union Square, a vacant block near by, containing ten acres of cultivated ground, originally designed for a public park. This valuable site had been given to the University by Salt Lake City, and the Legislature had made an appropriation toward the erection of suitable buildings thereon. The main edifice, begun in 1881, was nearing completion, and the Chancellor and Regents, in the prospect of an additional appropriation, were congratulating

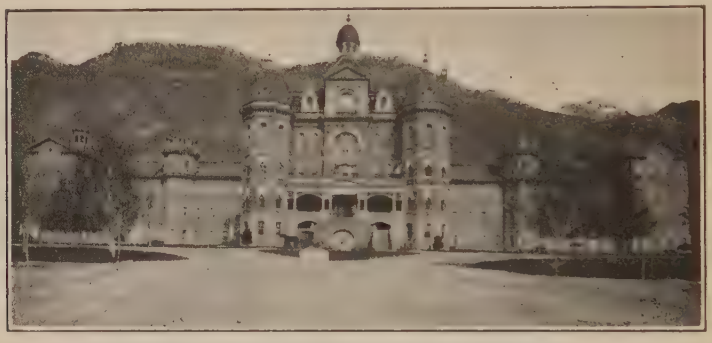
UNION SQUARE UNIVERSITY BUILDING.
Now (1916) Salt Lake City West Side High School.

themselves upon the fair outlook before the institution, when their hopes were dashed by the act of Utah's Executive.

Private Means to the Rescue.—The amount proposed for the University in 1882 was fifty-five thousand dollars. The greater part of it—forty thousand dollars—was to complete the new building, while the remainder was to pay the running expenses of the institution and the tuition of eighty normal students, future teachers in the district schools. The Governor's veto that year, supplemented by a like action two years later, was regarded by the students and the alumni as a cruel blow at their struggling Alma Mater. But the full force of the

blow was not allowed to fall. A number of well-to-do citizens ("Mormons"), some of them Regents of the University, came forward with their private means, advancing a considerable sum so that work could be prosecuted upon the unfinished walls. These gentlemen were reimbursed by a subsequent Legislative appropriation, but not until six years had passed and Governor Murray was no longer in office.

Measures Approved.—Among the measures approved by the Executive in 1882 was one establishing a Territorial Asylum for the Insane. The law creating this institution made the Governor ex-officio chairman of its board of directors, and appropriated the sum of twenty thousand dollars toward the erection of its buildings at Provo. At the same



TERRITORIAL ASYLUM FOR THE INSANE.
Now State Mental Hospital.

session of the Legislature, Garfield County was created out of a portion of Iron County; an act of respect toward the memory of the martyred President.

Statehood Again Denied.—In February of that year, under authority of resolutions adopted by the Legislative Assembly, the people in their respective precincts selected delegates to choose the members of a Constitutional Convention, preparatory to another application for Statehood. The Convention was organized at Salt Lake City, with Joseph F. Smith as President. Several of the delegates were "Gentiles," and a number of women were also among the members. Regular meetings were held from the 10th to the 27th of April. For the first time, "Deseret" was dropped and "Utah" substituted, as the name of the proposed State. With this exception, the proceedings did not vary much from those of former gatherings of like character. Nor was the result any different; admission into the Union being again denied.

Joint Celebrations.—During the summer local ascerbities

were sufficiently in abeyance to admit of two public celebrations in which "Gentiles" and "Mormons" jointly participated. One was at the opening of Liberty Park on June 17th, the anniversary of the Battle of Bunker Hill. The other was the usual observance of Independence Day. On the former occasion Professor T. B. Lewis was the appointed orator, and speeches were also made by Governor Murray, General Wells, General A. McDowell McCook (successor to General Smith at Fort Douglas), Elder Wilford Woodruff, and Mayor William Jennings; the last-named acting as master of ceremonies. On July 4th, when the exercises were also held at Liberty Park, Governor Murray presided, and Professor Lewis read the Declaration of Independence; District Attorney Van Zile delivering the oration. A choice number on the program was an original poem by Judge C. C. Goodwin, editor of the Salt Lake Tribune, a splendid writer both in verse and prose.* The gifted soprano, Mrs. Lavinia Careless, sang the "Star-Spangled Banner," and brief speeches followed from other citizens. Croxall's Band, the Fort Douglas Band, and the Union Glee Club furnished the music. The opening and closing prayers were by Reverend R. G. McNiece, Presbyterian minister, and Elder George G. Bywater, a prominent "Mormon."

JUDGE GOODWIN.

Phil Robinson—"Sinners and Saints."—Among the visitors to Utah that year, was Mr. Phil Robinson, an English journalist and author, who had won repute during the first Boer troubles in South Africa, as war correspondent for the

*A native of the State of New York, Judge Goodwin, prior to coming to Utah in 1880, had been for twenty years a resident of Nevada, where he was Judge of the Second District Court at Washoe. Drifting into journalism, he edited successively "The Inland Empire" and "The Virginia City Enterprise." Upon his arrival in this Territory, he went to mining in the old Lincoln District, Beaver County, but ere long accepted the proffered position of chief editor of the Tribune, having for associates Mr. P. H. Lannan, business manager, and Ex-U. S. Marshal Nelson, managing editor. Prior to Judge Goodwin's advent, Mr. Fred Lockley, a Kansas journalist, with Messrs. Prescott and Hamilton, also from that State, had conducted the paper.

London "Daily Telegraph." Coming to America on business connected with the publication of one of his books, he met Mr. William H. Hurlburt, proprietor of "The New York World," and was commissioned by him to proceed West and inquire into the "Mormon" and Chinese questions, the former in Utah, the latter in California, and give his views thereon to the readers of that journal. Mr. Robinson remained several months, traversing the Territory from Bear Lake on the North to Long Valley in the South, visiting various towns and settlements, mingling with the people in public and private, and studying with the eye of an experienced traveler and sociologist the "Mormon Problem." The result was the fairest setting forth of the subject that has yet emanated from a non-"Mormon" pen. The World letters were widely read, and doubtless did much to allay prejudice against Utah. These letters were afterwards published in book form, under the title "Sinners and Saints."*

Character of the Commissioners.—Next came the members of the Utah Commission, mentioned by name at the beginning of this Chapter. They were men of prominence and repute. All had been practicing lawyers, and Commissioners Ramsey and Paddock had sat in the Senate of the United States. The former, who was Chairman of the Board, had also been Governor of Minnesota, and subsequently Secretary of War under President Hayes, with whom, it will be remembered, he visited Utah in September, 1880. He was a kindly disposed elderly gentleman, brimming with good nature, and without prejudice against the people among whom he came. Mr. Carlton, equally unbiased, afterwards wrote and published a book entitled "The Wonderlands of the Wild West," giving his experience of seven years as a member of the Utah Commission.

Chairman Ramsey and the Omaha Herald.—The five gentlemen, while traveling toward their destination, had come together in Nebraska. A reporter of the Omaha Herald—then edited by Dr. Miller, a valiant friend to Utah—interviewed Chairman Ramsey on the subject of the Edmunds Law, with the following result:

"How do you expect, Mr. Ramsey, this will be met by the Mormons?"

"I think they will accept the ruling of the law. If they do not, they will simply make a judicial question of it and carry it up from court to court."

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*Mr. Robinson was again in Utah, lecturing, early in 1883. He was then accompanied by the eminent English barrister, Sergeant Ballantyne.

"You do not expect any trouble, then,—any resistance at elections by force?"

"Oh, no. They are too sensible out there to attempt anything of that kind in the face of the Nation. They know now what the law requires, and they will not wilfully attempt to evade it."

"How will the Commission prove that these men are married, and how much they are married?"

"I cannot say," answered the Governor, laughing, "how we will get at that. They are honest; perhaps they will confess. Now wouldn't you confess?"

"The reporter protested that he had never been in a position to realize such a situation. "The Commission has no power, has it, to investigate the records of the Endowment House?"

"None at all, sir," replied Mr. Ramsey; "we must simply rely on what we can ourselves discover."

"Can the Delegate to Congress, elected this fall under such circumstances, be a Mormon?"

"He may be a Mormon, but not a polygamist. Why, not over ten per cent of the Mormons are polygamists.* We don't care how many Mormons vote; we cannot interfere with their religion; but they must not be polygamists if they want to vote."

"But do you expect that one of those much married men will sacrifice his wives for his franchise?"

"Young man," answered the jolly chairman, "would you?"

In Honor of the Commissioners.—Deputations from Salt Lake City, including Governor Murray, Mayor Jennings, and other leading citizens, "Mormons" and "Gentiles," met the Commissioners at Ogden and escorted them to Salt Lake City. Here a public reception was given in their honor at the newly opened Walker Opera House, on Second South Street. "All seemed lovely"—thus Carlton in his book—"and reminded one of the lion and the lamb and the harmless cockatrice and all that; but, as we more than suspected at the time, it was only 'the torrent's smoothness ere it dash below.'"

A Difficult Situation.—Chairman Ramsey, out of his previous experience as a visitor to Utah, had informed his colleagues that in the discharge of their official duties they would be "between the devil and the deep sea." "What he meant by this," says the author of the "Wonderlands," "began to dawn on us very soon after our arrival, and was fully confirmed by the sequel. In the first place, it should be known that there

*Not more than three per cent of the male members of the "Mormon" Church at any time had plural wives.

was an intense feeling of hostility between the Mormons and a portion of the Gentiles. The latter charged the Mormons with being disloyal to the Government of the United States, and with all manner of crimes and immoralities; while the Mormons charged that those Gentiles who were making war upon them were a predatory band of adventurers and carpet-baggers, actuated by no higher motive than to oppress the Mormons, with a view to driving them to desperation, so as to steal the Mormon property. The daily newspapers in Salt Lake City, two on the Gentile side, and two on the Mormon side, were doing their part in fanning the flames of discord. Such was the community to which the Commission was sent; the Mormons expecting the Commission to deal harshly with them under a law of Congress which they declared to be cruel and unconstitutional; while on the other hand a portion of the Gentiles—the most active and demonstrative among them—seemed to act on the theory that a Mormon had no rights which others were bound to respect." "The Edmunds Law went too far to please the Mormons, but did not go far enough to please the ultra Gentiles." Mr. Carlton also states that some disappointment was felt because the President had selected all the Commissioners from places outside of Utah, rejecting nominations telegraphed from Salt Lake City by Governor Murray.

Duties of the Board.—The Commissioners were indeed between two fires, and one or the other scorched them, either way they turned. Like all officials similarly placed, they were "sailing between Scylla and Charybdis," and if they avoided the rock it was only to be menaced by the whirlpool. Their duties, as defined in the Edmunds Law, were as follows:

First: To appoint officers to perform each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, the canvassing and returning of the same, and the issuing of certificates or other evidence of election.

Second: To canvass the returns of all votes cast at elections for members of the Legislature, and issue certificates of election to those persons who, being eligible for such election, should appear to have been lawfully elected.

Third: To continue in office until the Legislative Assembly, so elected and qualified, should make provisions for filling the offices vacated by the Act of Congress.

Initial Obstacles.—In their first report to the Secretary of the Interior, dated about two weeks after their arrival at Salt Lake City, the Commissioners referred to "many embarrassments and complications," encountered while seeking to carry

out the provisions of the Edmunds Law; the main difficulty being to make that statute conform to the Territorial laws relating to elections. According to Mr. Carlton, the leaders of the Liberal Party were averse to holding an election for Delegate to Congress, which must inevitably result in their defeat, and did all in their power to convince the Commissioners that it could not legally be done. But the latter thought otherwise, and forthwith appointed the necessary officers to revise the registration lists and conduct the election.

Registration and Test Oath.—Most of the County Registrars, twenty-four in number, were selected from the ranks of the Liberal Party. Deputy Registrars were also appointed, one for each precinct. All were to hold their places during the pleasure of the Board that appointed them. The Commissioners published rules for the guidance of registrars and the government of judges of election. They also formulated the following test oath, to be taken by voters prior to registration:

County of..... } ss.
Territory of Utah, }

I, ..., being first duly sworn (or affirmed), depose and say that I am over twenty-one years of age, and have resided in the Territory of Utah for six months, and in the precinct of ..... one month immediately preceding the date hereof, and (if a male) am a native born or naturalized (as the case may be) citizen of the United States and a taxpayer in this Territory, or (if a female), I am native born, or naturalized, or the wife, widow or daughter (as the case may be) of a native born or naturalized citizen of the United States; and I do further solemnly swear (or affirm) that I am not a bigamist or a polygamist; that I am not a violator of the laws of the United States prohibiting bigamy or polygamy; that I do not live or cohabit with more than one woman in the marriage relation, nor does any relation exist between me and any woman which has been entered into or continued in violation of the said laws of the United States prohibiting bigamy or polygamy; and (if a woman) that I am not the wife of a polygamist, nor have I entered into any relation with any man in violation of the laws of the United States concerning polygamy or bigamy.

Subscribed and sworn before me this ..... day of....., 1882.

.....
Registration Officer ..... Precinct.

An Objectionable Feature.—The adoption of some plan whereby to purge the registration lists from names whose

owners were disqualified to vote, had been expected; and in view of the ambiguity of the Edmunds Law it was thought very probable that some latitude would be taken by those whose duty it was to interpret it. The institution of a test oath, therefore, was not surprising. But a part of the oath, as formulated, was not only surprising—it was shocking. Reference is had to that part requiring the applicant for registration to swear or affirm that he did not "live or cohabit with more than one woman *in the marriage relation.*" The words here italicized were not in the Edmunds Law, nor in any other law relating to Utah; but were an interpolation by the Commissioners, who had copied part of an oath required from notaries public by Governor Murray.

Critical Comments.—The Deseret News, commenting upon the objectionable clause in the test oath, showed that its effect would be to exclude from the registration lists, and consequently from the polls, the man who had married two or more wives and lived with them in that relation, and would also exclude in like manner the wives of such a man; while it would let in the libertine and the harlot, however vile and polluted. The same paper pointed out that the oath to be taken by registration officers did not include the cohabitation clause at all. They had simply to swear that they were not bigamists or polygamists, and yet could strike from the voting lists the names of those who failed to subscribe to the test oath in all its parts. These objections were met by the assertion that the Edmunds Law was aimed only at the "Mormons" and their institutions—not at the immoralities of the "Gentiles."

Views of the First Presidency.—The First Presidency of the Church, in an address to the Latter-day Saints, dated August 29, 1882, referred to the attitude of the Commissioners, and expressed regret that men of high positions and honored names would take that view of the law and frame such an oath to be administered to the people. At the same time it was "with unmixed satisfaction" that they perceived how sharply and distinctly the oath drew the line between marriage and licentiousness. They advised their Church members, such as could truthfully take the oath, to do so, in order that religious liberty and free republican government might be maintained, entreating them not to allow their rights to be wrested from them through supineness, indifference, or any feeling of resentment or indignation on their part. They further advised that the suggestions made from time to time by the Territorial Central Committee of the People's Party be faithfully carried out.

"Once a Polygamist, Always a Polygamist."—The Commission next prohibited the registration of any person who at

any time since the passage of the Anti-Bigamy Law, had lived in bigamous or polygamous relations. This ruling was in response to a question submitted by the registrar of Juab County, who desired to know if men who had once married plural wives but were not then living with them could be registered as voters. The decision denying them that privilege was another surprise to the public. It disfranchised men and women in the "Mormon" Church who, on account of the death of husband or wife or for some other cause, had ceased their plural relations, and also deprived of the suffrage men and women who did not then belong to the Church, but while connected with it in former years had lived in polygamy, though they had not practiced it since their defection from "Mormonism." "Once a polygamist always a polygamist," was the ground taken by the Commissioners.

MAYOR JENNINGS.

An Untenable Position.—That it was untenable ground, the sequel showed. In the first place it was clearly outside the intent of the Edmunds Law, which was designed to discourage and suppress the practice of polygamy, not to punish those who had abandoned the practice and were living within the law. Next, it was impossible, without making the law retroactive, to reach the cases of many persons affected by the Commission's ruling. The case of William Jennings, Mayor of Salt Lake City, was one in point. He had been a polygamist, but had broken neither the Anti-Bigamy Law of 1862, aimed at the ceremony of plural marriage without reference to cohabitation, nor the Anti-Polygamy Law of 1882, by which the ceremony and the cohabitation were both made punishable. He had had two wives, but had married them before the year 1862; therefore his marriages did not violate the earlier law, which was not retroactive. His first wife dying in 1871, eleven years before the Edmunds Law was enacted, he had since lived with but one wife, and consequently could have taken the test oath with perfect propriety. The Registrar, however, under the ruling of the Commission, rejected him.

The doctrine, "once a polygamist always a polygamist," did not give much satisfaction to any class. It was a two-edged sword, cutting both ways, and was generally regarded as unjust. A son of President Brigham Young, not then connected with the Church over which his father had presided, having been offered the appointment of Deputy Registrar for the Fourth Precinct of Salt Lake City, declined it because unwilling to take part in the disfranchisement of persons who were not living in violation of law. Had he accepted the appointment, he would have been required to disfranchise his own mother, one of the widows of President Young.

Murphy Versus Ramsey.—A test case that was destined to call forth a decision from the Supreme Court of the United States reversing this ruling of the Commission, was instituted in the autumn of 1882. The abbreviated title of the action was Murphy versus Ramsey. The plaintiffs, Jesse J. Murphy, Mary Ann Pratt, Mildred E. Randall, Alfred Randall, Ellen C. Clawson, Hiram B. Clawson, and James M. Barlow, had all been refused registration by deputy registrars in Salt Lake County, and these officers, with the County Registrar and the members of the Utah Commission, were made defendants in a suit for damages.

Woman's Suffrage Assailed.—The elimination of polygamists from the voting ranks did not materially diminish the strength of the People's Party, which still had an overwhelming majority over their political opponents. The latter, hoping to lessen that majority yet further, next assailed the Woman's Suffrage Act. The Utah Commission having refused to declare the act invalid, the Federal Courts were appealed to; test cases being instituted in the three Judicial Districts. Judges Hunter, Emerson and Twiss all ruled in favor of the statute.

EMMELINE B. WELLS.

This was not the first attempt made by the managers of the Liberal Party to prevent the women of Utah from exercising the franchise conferred upon them by the Legislature, under the approval of the Act-

ing Governor, in 1870. During the political campaign of 1880 proceedings in mandamus had been instituted in the Supreme Court of the Territory, for the purpose of compelling the Registrar of Salt Lake County, R. T. Burton, to strike from the County voting list the names of Mrs. Emmeline B. Wells ("Mormon"), Mrs. A. G. Paddock ("Gentile"), and all other women whose names appeared upon that list. But the Court refused to compel the Registrar to undo what the law had required him to do, and consequently the women retained the ballot.*

Caine Defeats Van Zile.—The Delegate election in 1882 was preceded by a campaign in which political parades, with all the paraphernalia of torches, transparencies and pyrotechnics, were seen for the first time in Utah. Each party put forth its utmost exertions, and the issue was decided on the 7th of November, when John T. Caine, the People's candidate, was chosen Delegate to Congress, over Phillip T. Van Zile, the candidate of the Liberals. The former received 23,039 votes; the latter, 4,884. All during the campaign Mr. Van Zile had sought to impress upon the public mind the idea that his victory meant Statehood for Utah, while his defeat signified a Legislative Commission. The answer of the people was his rejection at the polls. Mr. Caine was not only elected to the Forty-eighth Congress, but also to the unexpired portion of Delegate Cannon's term in the Forty-seventh Congress.

A Futile Charge.—Mr. Van Zile charged the Delegate-elect with polygamy, and protested against the counting of the votes cast for him. Mr. Caine, who was well known to have but one wife, smiled at the charge and denied all the allegations of his opponent. The Commissioners allowed the canvass to proceed, but subsequently sent for Mr. Van Zile and

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*The basis of the mandamus proceedings was the alleged invalidity of the Woman's Suffrage Act. Two grounds were stated: (1) The Act conferring the franchise differed from the Territorial law of 1859, which provided that voters should be males and tax-payers. (2) The act of 1870 did not require a woman voter to be a "citizen" in the common acceptance of the term, it being sufficient if she were the wife, widow or daughter of a native born or naturalized citizen. These "discriminations," it was contended, voided the enactment.

The women of Utah were loyally sustained at that juncture by leading suffrage women throughout the Nation! In the midst of the court proceedings Belva A. Lockwood telegraphed from Washington to Emmeline B. Wells at Salt Lake City: "Stand by your guns. Allow no encroachment upon your liberties. No mandamus here." The Woman's Journal, of Boston, edited by Lucy Stone, denounced in scathing terms the "bold attempt to disfranchise citizens who have exercised the right to vote for ten years." The Journal declared that such an attempt would never have been made "if these citizens had not been Mormons."

asked him if he was prepared to prove the polygamy charge. He answered that he was prepared to prove it only on the ground that he presumed Mr. Caine to be a believer in plural marriage. The Commissioners then overruled the protest, and issued to Mr. Caine a certificate of election to the Forty-eighth Congress. The returns for the Forty-seventh Congress they refused to count, holding that there was no law authorizing the special election. Some of the election judges, however, certified to a list of votes cast for Mr. Caine in that conection, and with these certificates and his other credentials the Delegate-elect set out for Washington.

JOHN T. CAINE.

The Delegate Admitted.—Mr. Caine's immediate object was to secure admission to the unexpired session of Congress, which would not end until March 4, 1883. He submitted his case in December, and on the 17th of January was admitted to his seat in the House of Representatives. The ground taken in his favor was this: While there was no law authorizing the special election, there was a national statute which entitled each Territory to a Delegate in Congress; and since Congress had failed to legislate to meet the emergency, and the Governor of Utah had refused to call an election, and the citizens of the Territory, by holding an election without the Governor's authorization, had availed themselves of the only way left in which to express their will; therefore they were entitled to the admission of their Delegate. Judge Van Zile, who had gone to Washington to oppose the seating of Delegate Caine, acquiesced gracefully in his second defeat, and congratulated his victorious opponent on the outcome.

To Their Eastern Homes.—The members of the Utah Commission, having completed their labors for the season, made another report to the Secretary of the Interior, and then departed for their homes in the East. While conscious of the fact that they had pleased neither "Mormons" nor "Gentiles," they felt that they had used their best judgment in the difficult position they were called upon to occupy. Some of

the "ultra" element had urged them to recommend "Congressional legislation of a radical character," and Mr. Paddock had been won over to the view that Utah should be governed by a Legislative Commission; but this plan, it appears, was not then favored by any of his associates.

Carlton on His Critics.—Commissioner Carlton, when he published his book, did not forget to pay his respects to the "Ultras," some of whom had assailed him and his conservative colleagues. Says he: "It soon began to appear, as was afterwards clearly demonstrated, that no Federal official could receive the commendation or avoid the venomous abuse of that coterie, except by the most abject and servile submission to their dictation." This would indicate that the "Mormons" were not the only ones who criticized Federal officials. It is safe to say, however, that they were the only ones whose strictures upon public functionaries were construed as treason and rebellion against the Government.

Judge Black and the Cause of the People.—Utah, battling for her rights under the Constitution, had a redoubtable champion in that superb lawyer and truly great man, Honorable Jeremiah S. Black. In a powerful argument, delivered at the City of Washington on the 29th of September, 1882, he pleaded the cause of the majority in this Territory against the Edmunds Law, the Hoar Amendment, Governor Murray, and the Utah Commission. His address was directed to the Secretary of the Interior, in the absence of the President and the Attorney General. During the following February the eminent jurist lifted his voice against the Edmunds Law and for the right of local self government in the Territories before the Judiciary Committee of the House of Representatives, which was then considering another anti-Utah measure. This was only a few months before the death of Judge Black, which occurred August 19, 1883.

XXVII.

AN APPROACHING STORM.

1882-1885.

The Anti-Polygamy Prosecutions.—The United States Government was adamant in its determination to stamp out plural marriage, and the Church of Jesus Christ of Latter-day Saints remained firm in its adherence to that feature of its faith. What followed was inevitable. Until the issuance of "The Manifesto," withdrawing Church sanction from the further solemnization of such marriages, a rigorous system of prosecution was carried on in Utah, Idaho and Arizona, wherever the "Mormon" people had founded settlements. The Federal courts were kept busy trying cases under the Edmunds Law, and in Utah the Penitentiary was crowded with persons convicted under the operations of that stern statute.

A Reign of Terror.—It was a time of terror and gloom. Men and women were hunted like runaway slaves before the Civil War. Hundreds of people, including many prominent citizens, were arrested or driven into exile. Most of the men proceeded against were punished, not for marrying plural wives, but for living with those whom they had wedded prior to the enactment of the law under which they were prosecuted. The three Territories were raked as with a sharp-toothed harrow and victims of the raid agonized to an extent almost unbearable. When the end came, none seemed more grateful for it than the judges and prosecutors themselves, who were heartily sick of the pain and misery that had been caused.

Two Sides to the Question.—As might naturally be expected, these officials were convinced that their attitude and acts in pursuance of the duties and obligations resting upon them, were perfectly just and reasonable. But those who suffered from the enforcement of the law—a law administered, as they believed, not only with partiality, but at times with undue severity, could hardly be censured if they failed to share in that conviction. Whatever the "Gentiles" might think, or whatever the Federal Courts might decree, it was a principle of the "Mormon" religion that was assailed, and the men and women who went to prison rather than prove recreant to covenants that they considered sacred, were well worthy of the respect instinctively felt for them by the best element among their opponents.

Not in Rebellion.—The position of the "Mormon" people, so much misunderstood at that time, should not at this late day be misconstrued and misrepresented. The same generous

spirit that accords to the people of the South sincerity in their attitude upon the States Rights question, ought to be manifested toward the citizens of this commonwealth, who, without arming themselves against the Union, stood out for their religious convictions, and battled legally for their rights under the Constitution, with the Stars and Stripes waving over them through the whole period of the controversy. It is unfair to say, as some have said, that such a people were in rebellion against the Government. They had been placed in an attitude of seeming antagonism by the action of the Government itself; an attitude not of their choosing, and altogether contrary to their inclination. Simple justice demands that their true position be fairly stated and fully comprehended. "Come within the Law"—a phrase much upon the lips of those who saw no good reason why their advice should not be promptly acted upon, meant more to the "Mormon" husband and father than his "Gentile" neighbor was in a position to realize. It involved the severance of ties of genuine affection, and proposed the dissolution of bonds believed to be eternal. The fact that the "Gentiles" deemed it all a delusion, while some of them ridiculed it as such, did not change matters one iota, nor make the problem any easier of solution. Conviction, not stubbornness, stood in the way; conscience, not contumacy, was the lion in the path.

President Taylor Predicts "A Storm."—It had long been foreseen that the warring social forces in Utah would sooner or later bring a tempest of tribulation upon the Territory. Mutterings of the coming storm were heard before and after the enactment of the Edmunds Law. Early in April, 1882, during the General Conference of the Latter-day Saints, the venerable head of the Church made allusion to the approaching trouble. Half humorously, yet with serious intent, he said: "Let us treat it as we did the snow storm through which we came this morning—put up our coat collars, and wait till it passes by. After the storm comes the sunshine. While the excitement lasts, it is useless to reason with the world; when it subsides we can talk to them."

The "Mormon" Attitude.—President Taylor outlined the position of the Latter-day Saints toward the Edmunds Law in these words: "We do not wish to place ourselves in a state of antagonism, nor act defiantly, toward this Government. We will fulfill the letter, so far as practicable, of that unjust, inhuman, oppressive, and unconstitutional law. * * * But we cannot sacrifice every principle of human right. * * * While we are God-fearing and law-abiding, and respect all honorable men and officers, we are no craven serfs, and have

not learned to lick the feet of oppressors, nor to bow in base submission to unreasoning clamor. We will contend, inch by inch, legally and constitutionally, for our rights as American citizens."

The Hosannah Shout.—On the closing day of the Conference, President Taylor concluded his discourse with "The Hosannah Shout," in which he led the vast congregation, the reverberating thunders of whose united voices, ten thousand strong, caused the great Tabernacle to tremble. The shout, thrice given, was as follows: "Hosannah! Hosannah! Hosannah! to God and the Lamb, for ever and ever, worlds without end. Amen, Amen, and Amen!"

Mr. Phil Robinson, the representative of the New York World, who was present, wrote thus to his paper regarding this incident: "Acquainted as I am with displays of Oriental fanaticism and Western revivalism, I set this Mormon enthusiasm on one side, as being altogether of a different character; for it not only astonishes by its fervor, but commands respect by its sincere sobriety. The congregation reminded me of the Puritan gatherings of the past as I had imagined them, and of my personal experiences of the Transvaal Boers as I knew them. There was no rant, no affectation, no striving after theatrical effect. The very simplicity of this great gathering of country-folk was striking in the extreme, and significant from first to last of a power that should hardly be trifled with by sentimental legislation. Nor could anything exceed the impressiveness of the response which the people gave instantaneously to the appeal of their President for the support of their voices. The great Tabernacle was filled with waves of sound as the 'Amens' of the congregation burst out. The shout of men going into battle was not more stirring than the closing words of this memorable conference, spoken as if by one vast voice."

Women Imprisoned.—In November of that year an episode occurred which, though isolated from the long series of raids and prosecutions that followed, was significant of things to come. A young woman giving her name as Annie Gallifant, an alleged plural wife, was before the Grand Jury at Salt Lake City, where she was plied with questions, one of them a direct demand for the name of her husband. She refused to answer, not only before the Grand Jury, but before Chief Justice Hunter, who informed her that the questions were proper, and that it was her duty to reply to them. Persisting in her refusal, she was sent to the Penitentiary. Her imprisonment was only for twenty-four hours. The Grand Jury having been discharged, she was set at liberty. Four days later she

became a mother. Her husband—John Connelly, a baker—was tried for polygamy and acquitted. Annie Gallifant admitted on the witness stand that she was his plural wife, but the prosecution could not disprove what the pair stoutly affirmed—that they were married more than three years before the finding of the indictment, and were therefore shielded by the statute of limitations.

About six months after the imprisonment of Annie Gallifant, a similar incident took place at Beaver. The woman in the case was Belle Harris, niece to Martin Harris, one of the Three Witnesses to the Book of Mormon. Summoned before the Grand Jury, she was asked if she was a married woman, and if so, when and to whom was she married? She refused to answer on the ground of personal privilege, and though Judge Twiss decided the question to be proper, still the witness was silent. She was fined twenty-five dollars, and committed to the custody of the Marshal. Habeas corpus proceedings carried the case before the Supreme Court of the Territory, which held with the District Court that the witness was in contempt. Belle Harris, with her infant child, was kept in the Penitentiary from May until August, 1883, when by order of Judge Twiss she was liberated, the Grand Jury having withdrawn the objectionable question. The name of her husband—for she was indeed a plural wife—remained undisclosed.

A third instance of the kind was that of Nellie White, a school teacher, suspected of being the plural wife of Bishop Jared Roundy, of Wanship, Summit County. The suspicion was partly based upon the fact that she boarded in the Bishop's family; having his daughters among her pupils. Roundy's case was considered by the Grand Jury at Salt Lake City, and Miss White was summoned as a witness. Answers were demanded to a number of questions, all concerning her alleged marriage. Refusing to answer them, she was taken before Chief Justice Hunter, and there repeated her refusal. She was committed to the Penitentiary until she should be willing to reply, or until a further order of the court in her case. These proceedings occurred in May, 1884. The young school teacher remained a prisoner a little over six weeks.

Kate Field and "The Mormon Monster."—Among the many visitors who interviewed Miss White during her sojourn in the Utah Penitentiary, was the well known writer and platform speaker, Miss Kate Field, who spent several months at Salt Lake City, gathering materials for a lecture afterwards delivered by her at Washington, D. C., and in other Eastern towns. The lecture was entitled "The Mormon Monster,"

and was made up of the usual "Anti-Mormon" pabulum fed to tourists and travelers by those bent upon bringing about radical changes in the social and political affairs of this Territory. Miss Field came to Utah apparently unprejudiced, and at first was quite friendly with prominent "Mormons." But she afterwards formed the acquaintance of Governor Murray, and accepted from him and his intimates their side of the story as the truth pertaining to matters in "Mormondom."

Another Great Railroad.—Here the continuity of the main narrative embodied in this chapter must be broken long enough to permit mention of an important happening in the local commercial world. In the midst of the political and judicial events under consideration, the public mind was diverted to more material affairs by the completion to Salt Lake City of the Denver and Rio Grande Railroad; an outgrowth of the system bearing that name in the State of Colorado. The work of construction from the Utah line had begun in 1881, and the last rail was laid about the end of March, 1883. This point, however, was not to be the terminus of the road. The plan was to extend it to Ogden, and there join with the Central (now Southern) Pacific, thus establishing another through route between the East and California. The line from Salt Lake City to Ogden was opened for business early in May.

The Union Pacific and Central Pacific companies, since the meeting at Promontory in 1869, had held an almost unbroken monopoly of the railroad business of Utah. Especially was this true of the Union Pacific Company, which speedily acquired possession or control of most of the local lines. But now a powerful competitor entered the field, and a new era in the commercial life of the Territory began. The new road, uniting the capitals of Utah and Colorado, conferred immediate benefit upon both commonwealths. Passenger fares and freight rates were reduced, and the development of the resources of the Rocky Mountain region was greatly stimulated. The Denver and Rio Grande Railroad in Utah was originally a narrow gauge line. The track was not broad-gauged until 1890.*

*Utah had had a street railway since July, 1872, when the first line, at Salt Lake City, was opened for traffic on South Temple Street, eastward from the Utah Central Depot to West Temple Street, whence it ran south and east into the Ninth Ward. This was soon followed by a branch to the Warm Springs, and by other extensions. The founders of the enterprise were Brigham Young, Jr., William B. Preston, Seymour B. Young, Moses Thatcher, John W. Young, John N. Pike, Le Grand Young, Parley L. Williams, William W. Riter and Hamilton G. Park. Horse power was originally used by the Salt Lake City railroad; electricity not being employed until August, 1889.

Prospering in Adversity.—Thus Utah continued to prosper, notwithstanding the internal strife that frightened away capital and population, but could not entirely destroy prosperity, nor hinder the promotion of great enterprises. That the Territory could advance under such conditions is proof positive of the sterling character of its people, and the attractive richness of its unbounded material wealth.

The Standing Murder.—Reverting now to the main subject—the general trend of events immediately preceding and following the enactment of the Edmunds Law. One of the earliest results of the agitation that produced that statute was the murder of a "Mormon" missionary—Elder Joseph Standing, of Salt Lake City, who was killed by a mob near Varnell's Station, Whitfield County, Georgia, on the 21st of July, 1879. Elder Standing, who presided over the Georgia Conference of the Southern States Mission, and Elder Rudger Clawson, also from Salt Lake City, were walking along a road that ran through the woods, when suddenly they were surrounded by twelve armed men, some mounted and some afoot. Uttering exultant yells, the mob seized the two young men and hurried them into the forest. One of the party—a Baptist deacon named Clark—who was walking in the rear, without provocation struck Elder Clawson a staggering blow on the back of the head with his fist. When the Elders asked by what authority they were interfered with, they were told that they would "know soon enough," and were later informed that they were "going to get a sound flogging." This meant that they would be stripped to the waist, bound face downward over a fallen tree or some other convenient object, and beaten with hickory withes till they were insensible. The pain thus inflicted, it is said, could be made so intense that death itself was almost preferable. In answer to a remark by Elder Clawson, that he had supposed the United States to be a land of liberty and law, the mob replied: "There is no law in Georgia for 'Mormons.'"

Having reached a clearing, most of the party sat down to rest, while several horsemen rode on to select a suitable place for the proposed whipping. Elder Standing, complaining of thirst, was permitted to drink from a spring near by, and had just returned to his seat upon the ground when the horsemen reappeared. "Follow us," they said. Standing, rendered desperate by the situation, now sprang to his feet, wheeled around, and clapping his hands together, shouted "Surrender!" Quick as a flash, a man at his left arose, thrust a pistol into his face, and fired; the ball piercing the brain. He reeled twice and fell. All eyes were then turned upon Clawson. "Shoot that man!" exclaimed the leader. Instantly a dozen

guns were leveled at the missionary, who showed amazing intrepidity. Looking calmly into the frowning muzzles, he said, "Shoot." His coolness saved him. The guns were lowered, and the mob gathered in a group to consult, leaving Clawson to wait upon his dying companion. While he went for assistance to the house of a friend—Mr. Henry Holston—the murderers riddled the dead body with bullets and stabbed it with knives; their purpose, it was thought, being to implicate the entire party and insure unanimity of silence.

Assassins Acquitted.—Elder Clawson brought the body home. At Ogden and at Salt Lake City the train bearing it was met by mourning multitudes. The funeral service was held in the great Tabernacle, and a monument erected by the Young Men's Mutual Improvement Associations was placed above the sleeping dust. Three of the assassins, Jasper N. Nations, Andrew Bradley, and Hugh Blair, were indicted for murder, manslaughter, and riot, upon testimony furnished by Rudger Clawson, Henry Holston, and two others who had seen the mob before or after the assault. At the trial in Dalton, Georgia, the evidence was direct and conclusive, and the prosecuting officers, Solicitor-General Hackett and Colonel W. R. Moore, did their full duty; but Judge and Jury, biased for or intimidated by the defendants and their sympathizers, set the murderers free.

The Cane Creek Massacre.—A tragedy more terrible still, and one springing from like causes, occurred on the 10th of August, 1884, at Cane Creek, Lewis County, Tennessee. In this affair two Utah missionaries, William S. Berry and John H. Gibbs, the former middle-aged, the latter more youthful, lost their lives. It was a Sabbath morning, and Elders Gibbs and Berry, with other missionaries and a few converts, were about to hold a service at the farm house of James Condor, a member of the Church, when a mob invaded the premises and fired upon the peaceful worshipers, killing the Elders named and two young men not of their faith who tried to protect them.

Prior to the massacre the mob had captured Elder William H. Jones, also from Utah, who was on his way to the meeting at Condor's, when twelve or fifteen men, all wearing masks, rushed from the timber at the roadside and made him their prisoner. After a thorough searching, they compelled him to go with them through a corn field into the forest. Leaving him with one of their number, the others disappeared in the direction of the Condor farm. The man in charge of Elder Jones was not in sympathy with the murderous designs of his companions. He informed his prisoner that he intended to let him go. "I'll kill you, though," he added, "if you act unfair."

Jones was then ordered to walk ahead, and obeyed. They had gone but a short distance when a shot was heard, followed by others, and soon a whole volley shook the air. "My God!" exclaimed the man, "they are shooting among the women and children; don't you hear them scream?" Jones, at the behest of his guard, now ran, the latter following, gun in hand, until they reached the road, where they parted; the missionary first being directed to a place of safety. At Shady Grove, in Hickman County, there was a branch of the "Mormon" Church, and Elder Jones arrived there next morning.

Most of the shots heard by him and his guard were fired by the mob who had previously had him in their power. Elders Gibbs and Berry, with Elder Henry Thompson, had reached the Condor home, and were seated, singing hymns and waiting for their congregation to assemble, when there came a sudden shout. Looking in the direction of the front gate, they saw Mr. Condor struggling in the grasp of several men, while others were rushing toward the house. The mobbers still wore their masks, and were armed with rifles and pistols.

"Get your guns!" shouted Condor to his boys in the orchard. Martin Condor, a youth of nineteen or twenty, reached the back door just as the leader of the mob, David Hinson, who had entered at the front, was taking down, from the hooks where it hung, a shot-gun, the boy's own weapon. There was a fierce struggle for its possession, during which Hinson snapped a pistol in Martin's face. He recoiled, and the mobber, securing the gun, fired at Elder Gibbs, the shot taking effect under his arm. He sank down by a bed and died. A gun was leveled at Thompson, but Berry, large and powerful, seized the barrel and turned the muzzle away from his friend. While thus holding but making no further effort to secure the gun, Berry was fired upon by two of the mob, both shots piercing his abdomen. He fell to the floor and expired. Meantime Thompson had escaped to the woods.

Elder Gibbs had no sooner fallen, than Martin Condor renewed his struggle with Hinson for the shot-gun, and at this juncture some of the assaulting party shot the heroic boy, whose antagonist then retreated.

At the beginning of the fray J. Riley Hudson, son of Mrs. Condor by a former marriage, entered the house from the rear, and while his brother was grappling with Hinson, climbed into the loft to get his gun. Riley descended in time to see Martin writhing in death agony, and the murderer of his friend Gibbs passing out by the front doorway. Flinging aside two ruffians who sought to stay him, young Hudson leaped to the door and shot Hinson dead in the presence of

his followers. They returned the fire, mortally wounding the brave youth, who died an hour later. After Hudson fell, the mob returned to the house and poured a volley in at the window, seriously wounding Mrs. Condor, and riddling Berry's corpse. They then retired, taking with them the body of their leader.

The little congregation of men, women and children, who had fled to the woods, now came back upon the tragic scene, and with tears and wailings the bodies of the murdered missionaries and the young heroes who had met their death in a vain attempt to save the lives of their friends, were prepared for burial and laid side by side in mother earth.

Tidings of the tragedy were wired to Elder B. H. Roberts, at Chattanooga; he, in the absence of President John Morgan, having charge of the Southern States Mission. Roberts telegraphed the news to Morgan at Salt Lake City, and then, assisted by Elder J. Golden Kimball and others, took immediate steps to recover the bodies of the missionaries, that they might be sent to Utah. The scene of the massacre was in the midst of a mob-infested section, to enter which was extremely perilous. But President Roberts, disguising himself and pursuing a roundabout course, reached Cane Creek and accomplished his errand. Willis R. Robison, one of the missionaries, was released to take the bodies home.

A Community in Mourning.—As the funeral train proceeded northward through the Utah settlements, sympathetic and sorrowing crowds assembled at the railroad stations to pay tributes to the dead. Flags floated at half mast, and bands played solemn dirges. At Provo the remains of Elder Berry were transferred from the Denver and Rio Grande to a Utah Central train, and conveyed to Milford; thence by team to Kanarra, Iron County. The body of Elder Gibbs was sent to his home in Paradise, Cache County. At each of these places and in Salt Lake City, funeral services were held on Sunday, the 24th of August. Since the Standing murder, no such demonstration of grief had been known in Utah, not excepting the general sorrow felt over the death of Captain Andrew Burt, Marshal and Chief of Police of Salt Lake City, who, on the 25th of August, 1883, had been shot by a negro desperado, whom he was arresting for a disturbance of the peace.*

*Officer Charles H. Wilcken, who assisted Captain Burt, was dangerously wounded by the same assassin, who was armed with a Winchester rifle and a revolver, while Burt and Wilcken were without a weapon. Half an hour after the death of Captain Burt, his murderer was lynched by a mob. Occurrences of this kind, always regrettable and always to be condemned, have been exceedingly rare in Utah.

Unwhipped of Justice. Leading papers throughout the land denounced the murder of the missionaries, and demanded that justice be done upon the perpetrators. Efforts to this end were made by the authorities of the State of Tennessee. Governor W. B. Bate, after some hesitation, betokening reluctance, offered a reward of one thousand dollars for the apprehension of the murderers, or for information leading to their capture. But all in vain; they were never discovered. Anti-"Mormon" feeling increased in the South, and those who had befriended the missionaries on Cane Creek were finally compelled to leave the State.*

Placing the Responsibility.—Responsibility for the fourfold crime was placed by local writers and speakers upon "Anti-Mormon" agitators, who were accused of circulating incendiary literature for the purpose of arousing hostile sentiment against "Mormon" missionaries in every part of the Nation. A sample story fabricated and published by them some time before the Tennessee tragedy took place, purported to describe how one "Bishop West," of Juab, Utah, in the course of a violent harangue to his Sabbath congregation, urged them to assassinate Governor Murray. This fiction was easily refuted; there being no Bishop West in the "Mormon" Church at that time, and no public meeting of any kind at Juab on the date given. It happened to be a season of high water, and the inhabitants of the little town, dispensing with their usual Sunday service, had turned out in force to save their homes from the flood.

The Governor of Utah came in for his share of censure in this connection, he having telegraphed to the Governor of Tennessee soon after the massacre, thanking him for his efforts to discover and punish the guilty parties, but in the same telegram referring to the murdered missionaries as "agents" sent out by "representatives of organized crime."

The Anti-Mormon Power.—The prevailing sentiment against polygamy, with the laws in force for its suppression, added to the belief that the Church leaders manipulated political, commercial, and other matters for personal ends, and that their followers were not free to act for themselves, made it easy for agitators, with motives both good and bad, to sow the seeds of hostility against the unpopular "Mormons." In and out of Utah, there was a combination against them, formidable both in numbers and in influence. Governors,

*Manassa and other towns in Conejos County, Colorado, were founded about that time, many of the early settlers being "Mormon" emigrants from the Southern States. Some of these also moved into Arizona.

judges, attorneys, editors, magazine writers, Congressmen, politicians, and preachers, all united to carry on or encourage the Anti-"Mormon" crusade.

Diverse Elements.—Many of these were honorable, high-minded men, contending for a cause; that cause the Government's, in the assertion of its authority over a supposedly recalcitrant community, and the enforcement of its laws against a social condition believed by a majority of the Nation to be immoral and degrading; a belief based largely upon gross misrepresentation. These men, though disliking certain features of the "Mormon" faith and polity, did not wish to be considered enemies to the "Mormon" people; nor were they so considered, when they came to be fully understood. They joined in the demand for certain concessions—the surrender of plural marriage, and the divorcement of that widely proclaimed union of Church and State which the "Mormons" declared to be a fiction and the "Gentiles" asserted to be a fact; but these concessions once made, the "war" would be over, so far as that class was concerned.

Mingled, however, with this more moderate element, were some who cherished feelings of malignant hatred toward everything "Mormon"—doctrine, discipline, priesthood, and people. If any of them ever laid aside such feelings, or forbore to express them, it was only long enough to secure a coveted favor from the objects of their enmity, individually or collectively. Could these zealots—political and religious—have had their way, the Church would have been destroyed root and branch. No concessions that might be made would satisfy their souls. The Church leaders were their special aversion. If the sheep could have been induced to forsake their shepherds, the animosity of these extremists would have been greatly modified.

More than one self-seeking adventurer found it to their interest to join hands with this hostile element, and help along the work of reconstruction—the "reformation" of people better than themselves. Of course they posed as patriots; such characters always do. But patriots are of two kinds—real and pretended, and one familiar with the facts need not be told to which class such persons properly belonged.

Those who profited by the agitation so hurtful to the community at large, quite naturally sought to promote it. Others, who had nothing to gain and something to lose from the excitement and ill-feeling continually fomented—"Gentile" business men, who knew that peace meant prosperity, while strife threatened the opposite—eventually made it manifest that they

were not altogether in harmony with the course pursued by their radical associates.

"Mormon" Motives.—The fear that the Church was in danger, particularly from a certain class, made the Priesthood all the more tenacious of the power they wielded, and which their enemies charged them with misusing and abusing. The "Mormon" leaders were not understood by their opponents—not even by those nearest to them and who thought they could read them thoroughly. They were not credited with the real motives that actuated them. Whatever their shortcomings—and none among them have ever claimed to be perfect—they were not selfishly seeking their own aggrandizement. They were not coveting wealth and worldly honors. Love of power—a perfectly legitimate principle when properly controlled and rightly directed—has never been the ruling motive with the "Mormon" Priesthood. They have always been one with their people in zeal for and devotion to a cause which both believe to be divine. And that zeal and devotion have been mistaken for and confounded with mere love of self and lust of dominion. Those who charged them therewith were quite as open to suspicion on that score.

Nor were these leaders the immoral characters that prejudice represented them to be. On the contrary, they were men of pure life and honest purpose, the peers of the best among their opponents. They were not using polygamy as a decoy to induce conversions—though this, among other things, was charged against them. Their alleged "cunning appeals to the base passions of men," in order to recruit their ranks and perpetuate their power, were in reality calls to repentance, exhortations to purity, self-denial, and disinterested effort for the promotion of a work altruistic and philanthropic to the core.

Prominent During the Crusade.—The Federal officers most prominent in Utah at the beginning of "The Crusade," were Governor Eli H. Murray, Chief Justice Charles S. Zane, Associate Justices Orlando W. Powers and Jacob S. Boreman, District Attorney William H. Dickson, Assistant District Attorney Charles S. Varian, and United States Marshal Edward A. Ireland. Governor Murray's antecedents have been given; and Judge Boreman has likewise been introduced to the reader. Concerning Judge Powers, more will be said anon. Mr. Dickson was by birth a Canadian, but had become an American citizen and a resident on the Pacific Coast prior to June, 1874, when he began the practice of his profession at Virginia City, Nevada. He remained there until 1882, and then took up his

residence at Salt Lake City. Two years later he succeeded District Attorney Van Zile (resigned) and chose for an assistant his law partner, Mr. Varian, also from Nevada. Marshal Ireland, who had succeeded Colonel Shaughnessy in 1882, was in business at the Utah capital when he received his appointment as a Federal officer. To this array may be added Secretary Thomas and the members of the Utah Commission.

Chief Justice Zane.—Utah's new Chief Justice must have more than passing mention at this point. He was a native of New Jersey, but had resided since early youth in Illinois, where he farmed, taught school, and practiced law. He was well acquainted with Abraham Lincoln, and when that great man became President, Charles Shuster Zane, then thirty years of age, succeeded him in the law firm of Lincoln and Herndon, at Springfield. Subsequently he was one of the firm of Cullom, Zane and Marcy, the senior member of which afterwards stood sponsor for the Cullom Bill in Congress. Judge Zane was presiding over a circuit court in Illinois, when he received from President Arthur his Utah appointment. It had been procured for him, without solicitation on his part, by his fellow Republican, Senator Cullom, and by William M. Springer, Democratic member of the House of Representatives. The Chief Justice, accompanied by his family, arrived at Salt Lake City August 23, 1884.

JUDGE ZANE

Not a Parallel.—Judge Zane, unlike Judge McKean, to whom he was at first compared, was not a religious man. That is to say, he subscribed to no special creed, and was interested in no particular church. At the same time, as he stated in conversation with the writer hereof, he had faith in the Supreme Being, and in a general way considered himself a Christian. He was a moral man, one of upright tendencies, and if his attitude with reference to the Federal Constitution leaned from "strict construction" in the direction of "implied powers," it was but natural, considering his polit-

ical training and affiliations. Above all, he was a zealous and determined advocate of the strict enforcement of the law.

Backed by Law.—Let it be remembered, also, that Judge Zane and those about him, however strained at times their legal constructions, and however extreme some of their official acts, had law behind them, to back up their proceedings; and were not in precisely the same situation that Judge McKean and his associates had been—who, in the absence of Congressional enactments, legislated for themselves, and enforced with judicial authority the "laws" of their own creation. Congress, after much pushing and prodding, had acted favorably upon certain features of some of the "Anti-Mormon" measures previously presented to and rejected by that body, and to effect a special purpose had made lawful the once unlawful "legislation." And the Supreme Court of the Land having put the seal of its approval thereon—presto, change! All was different. Black became white, by legislative and judicial pronouncement.

Open Venire and the Poland Law.—Chief Justice Zane, immediately after his installation, found himself confronted by a question upon which the attorneys of his court were much divided. It arose while the Grand Jury was being empaneled for the September term of 1884. Several days had been consumed in the process, and so many jurors had been rejected for their avowed belief in the rightfulness of plural marriage, that the jury box containing the names of persons qualified to serve in that capacity was exhausted; and yet but eleven of the required fifteen jurymen had been obtained. Thereupon Assistant District Attorney Varian moved that the United States Marshal be empowered to summon on open venire a sufficient number of persons to complete the panel.

In the early days of the Territory it had been customary to select and summon jurors precisely as Mr. Varian now proposed. But that custom had been abandoned, the Legislature having enacted a law requiring jurors to be drawn by lot from the names found upon the county assessment rolls. The drawing was done by the Territorial Marshal or his deputy; the names having first been placed in the jury box by the members of the County Court. That practice prevailed until 1874, when Congress gave the Poland Law to govern the jury system of Utah.

The Poland Law provided that in January of each year a list from which grand and petit jurors were to be drawn should be prepared jointly by the Clerk of the District Court and the Probate Judge of the County. The Clerk and the Judge—the former a "Gentile," the latter a "Mormon"—selected alternately the names of two hundred resident male citizens, and

from this list jurors were drawn to serve at any term of the District Court during that year. Prior to the drawing, which was done by the United States Marshal or his deputy in open court and in the presence of the District Judge, the names were put on separate slips of paper, placed in a covered box, and thoroughly mixed and mingled. This manner of providing jurors had continued for ten years without interruption. Not until April, 1884, when Chief Justice Hunter caused the panel of a grand jury to be filled in a slightly irregular way, does there appear to have been any deviation from the rule. Judge Hunter did not authorize a writ of open venire, but directed the drawing of additional names from the jury box and the summoning of their owners to serve, without the twelve days' notice required by law.

Discussion by Attorneys.—But now the jury box was exhausted, the regular list of two hundred names having proved inadequate; and the District Court must either adjourn until January, 1885, when a fresh list might be provided, or resort to the open venire method of obtaining jurors. Before reaching a decision, Judge Zane invited a discussion of the subject by the attorneys present. Some of them held the Poland Law to be exclusive, Congress having enacted it so that "Mormons" and "Gentiles" might have equal representation in the jury box, and it was argued that if the grand jury were not formed in the manner thus authorized, it would be a nullity. Others reasoned thus: Congress had provided that four terms of court—February, April, September, and December—should be held yearly in each judicial district of the Territory. Two of these terms for 1884 would have to lapse if jurors could not be obtained. The statute governing the selection of jurors having been exhausted, the court must use the necessary means to bring its powers into exercise. The Englebrecht case and Judge McKean's illegal grand juries had been mentioned. But it was argued that the present situation differed from the one existing at that time. Then the court refused to pursue the method provided by the Legislature. Now the means provided by Congress was exhausted, and it was the duty of the court to exercise the common law power.

The Grand Jury Complete.—Judge Zane granted the motion for a writ of open venire, and Marshal Ireland, armed with that process, sallied forth into the streets. In a short time he returned bringing with him eight jurors, four of whom were accepted, making the Grand Jury complete. With one exception all its members were "Gentiles," and the "Mormon" was a disbeliever in polygamy. The foreman, one of those summoned upon open venire, was an adventurer who had

formerly professed the "Mormon" faith—long enough to marry a widow who had been a plural wife—but had left the Church, and was now numbered among its bitterest foes. It was the presence of such characters in the community—a community torn with factional strife, and not to be compared with any other within the confines of the Republic;—it was this, and the dread of packed juries—packed to convict—that constituted the main objection to this method of obtaining jurors.

The Clawson Case.—Judge Zane's first polygamy case was also the first, under the Edmunds Law, to be submitted to a trial jury. The defendant was Rudger Clawson, a son of Bishop Hiram B. Clawson, of Salt Lake City. His mother, Margaret Judd Clawson, was a plural wife. He was a young man of good character and exemplary habits. The part played by him when his fellow missionary, Joseph Standing, was killed in the State of Georgia, has already been mentioned. His alleged plural wife was Lydia Spencer, a daughter of Daniel Spencer, one of the pioneer settlers of Salt Lake Valley. The Clawsons and Spencers were among the most respected families in the community.

Rudger Clawson had been indicted for polygamy and unlawful cohabitation while Chief Justice Hunter was still upon the Bench. His attorney, Franklin S. Richards, had moved to set aside the indictment on the ground that the Grand Jury which presented it was illegal. In the formation of that body fifteen persons ("Mormons") had been challenged and excused for avowing a belief in plural marriage, while ten others ("Gentiles") had been accepted without question as to their belief in polygamy or unlawful cohabitation. Five other names had been drawn from the jury box without the previous notice required by law. For these reasons, it was contended, the indictment should be set aside.

The ground taken for the exclusion of "Mormons" from the Grand Jury was furnished by that section of the Edmunds Act providing that in any prosecution for polygamy or unlawful cohabitation, polygamists, or believers in polygamy, or persons living in or believing it right to live in the practice of cohabiting with more than one woman, should be rejected as jurors. The defense in the Clawson case contended that this provision did not apply to grand jurors, but only to petit jurors. The argument before Judge Hunter took place in April, 1884, but no decision was reached. Six months later Judge Zane, upon a renewed motion, was asked to set aside the indictment, and the motion was then argued and overruled.

First Trial—Jury Disagree.—The Clawson case came to trial on the 15th of October. The court room was crowded,

intense interest being manifested in the proceedings. The twelve jurymen were all "Gentiles," and two of them had been secured by the open venire process. According to the indictment the defendant had married his first wife in August, 1882 and his plural wife in June, 1883. The principal witness for the prosecution was a fellow employee with the defendant in the Spencer Clawson Wholesale Dry Goods house, at Salt Lake City. This witness, James E. Caine, testified that Rudger Clawson, in conversation with him, had admitted that Lydia Spencer was his plural wife. On the 17th of October, President John Taylor was upon the witness stand, it being the purpose of the prosecution to fix the fact of Rudger Clawson's plural marriage, and obtain information regarding a marriage record supposed to be kept at the Endowment House. The President was asked by U. S. Attorney Dickson if such a record existed, and if so would he "be good enough to produce it, or make inquiry concerning it?" The "Mormon" leader replied: "I don't think I am good enough;" and the smile accompanying his words was reflected upon the faces of nearly all present. "What is the ceremony of plural marriage?" then asked the prosecuting attorney. "I decline to state it," answered the witness. "Do you know whether the defendant has taken a plural wife?" "I do not." Such was the substance of President Taylor's testimony. President George Q. Cannon was likewise called as a witness, with about the same result. Several others were examined, but their testimony was not of any special import.

Arguments of counsel followed, Dickson and Varian for the prosecution, Bennett and Richards for the defense. The United States Attorney, in his closing address, said: "Gentlemen of the Jury, let me trust that none of you will be frightened by the assertion that if the defendant were found guilty, the 'Mormon' people would have it to say that it was because his jury were 'Gentiles.' If you have any reasonable doubt, let him have the advantage of it; but do not, I entreat you, be frightened out of what is just and right." The Judge then charged the jury and they retired. Next morning they came into court, and by their foreman, Major Edmund Wilkes, stated that they were unable to agree; eight standing for conviction and four for acquittal. The jury was discharged.

Second Trial—Defendant Convicted.—But this was not the end of the matter. A sudden turn in affairs took place immediately after the discharge of the trial jury. The defendant's plural wife, up to that time a missing witness, was found and taken into custody by the United States Marshal. In response to the summons served upon her, she appeared in court

next morning, and a new trial was set to take place in the afternoon.*

At the hour appointed the attorneys for the defense moved for a change of venue; the grounds being the open venire rulings of the court, and certain utterances of the Salt Lake Tribune, which paper, according to Judge C. W. Bennett, "by its abuse of witnesses and jurors during and after the late trial, had aroused a bitter prejudice against the defendant, who therefore felt that he could not have a fair trial in this court." The motion was overruled, and a jury empaneled by open venire.

RUDGER CLAWSON

Lydia Spencer, when called to testify, refused to be sworn as a witness. Persisting in her refusal, she was committed to the Penitentiary. Brought into court on the following morning, she, at the request of the defendant, took the required oath and admitted that she was the wife of Rudger Clawson. The case was submitted without argument, and the verdict was "guilty on both counts of the indictment."

A Bold Speech and a Severe Sentence.—Rudger Clawson received sentence on the third day of November. When asked by Judge Zane if he had any legal cause to show why judgment should not be pronounced, he replied:

"Your Honor, I very much regret that the laws of my

*While Marshal Ireland was searching for the main witness, one of his deputies tried to serve papers upon Mrs. Margaret Clawson, the mother of the defendant. "She is not at home," said Bishop Clawson, answering the ring at his front door. "I want to search the house," persisted the deputy, Captain J. W. Greenman. "You can't search my house without a warrant authorizing you to do so," was the resolute reply. The officer then departed. While this dialogue was in progress, some of the inmates of the dwelling executed a little plot for their own diversion. One of the Clawson boys, tricked out in gown, bonnet and shawl, hastily left the house by a side entrance and in great apparent trepidation got into a carriage and was driven rapidly away. Half a dozen deputies, till then in concealment, made a wild dash for the receding vehicle, and kept up the vain pursuit until the carriage, with its fun-convulsed occupant, vanished in the darkness.

country should come in conflict with the laws of God; but whenever they do, I shall invariably choose the latter. If I did not so express myself, I should feel unworthy of the cause I represent. The Constitution of the United States expressly says that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. It cannot be denied, I think, that marriage, when attended and sanctioned by religious rites and ceremonies, is an establishment of religion. The law of 1862 and the Edmunds Law were expressly designed to operate against marriage as practiced and believed in by the Latter-day Saints. They are therefore unconstitutional, and of course cannot command the respect that a constitutional law would. That is all I have to say, your Honor."

The Judge seemed taken by surprise. Leaning back in his chair, he meditated for several minutes, and then, with a look of deep gravity, said: "The Constitution of the United States, as construed by the Supreme Court, does not protect any person in the practice of polygamy. While all men have a right to worship God according to the dictates of their own conscience, and to entertain any religious belief that their conscience and judgment may reasonably dictate, they have not the right to engage in a practice which the American people, through the laws of their country, declare to be unlawful and injurious to society." The fact that the defendant had been taught that polygamy was right, would be taken into consideration; but so also would his deliberate violation of the law. "I should have been inclined to make the punishment lighter," added the Judge, "had you not openly declared that you believe it right to violate the law."

Upon the first count of the indictment—polygamy—it was ordered and adjudged that the defendant pay a fine of five hundred dollars, and that he be imprisoned for a period of three years and six months. Upon the second count—unlawful cohabitation—he was to pay a fine of three hundred dollars, and be imprisoned for six months; the second term of imprisonment to begin at the expiration of the first.

The Case on Appeal.—Mr. Clawson was forthwith conveyed to the Penitentiary; a motion made by his attorneys, that he be allowed to continue on bail till his case could be heard at Washington, being denied by the Judge. The Supreme Court of the Territory, after a hearing in habeas corpus, affirmed the decision of the District Court, and the bail question was carried on appeal to the Court of Last Resort. The main issue—the alleged illegality of the Grand Jury—was also ruled upon by the Territorial Supreme Court, and by a majority opinion the decision of the trial court was

affirmed; Associate Justice Emerson withholding an expression of his views. The case was then taken to Washington.

The Final Decree.—The Supreme Court of the United States decided the Clawson case early in 1885. The bail question was disposed of on the 19th of January, and the Grand Jury question on the 20th of April. The granting of bail to the defendant pending appeal was adjudged to be discretionary with the court that tried him. The decision was not unanimous; Justices Miller and Field dissenting. In the other issue, which had gone up on a writ of error, the members of the Court were a unit. They held that the Grand Jury which indicted Rudger Clawson had been legally formed, and that the rejected grand jurors were properly excluded. It was also determined that the District Court had the right, when the jury list was exhausted, to go outside the Poland Law and summon jurors on open venire.

The Evans Case.—Another polygamy trial soon followed, one in which Joseph H. Evans, a blacksmith, was the party defendant. His conviction was an easy task; his plural wife, Harriet Parry, and her mother, Elizabeth Parry, being willing witnesses against him. Evans was fined two hundred and fifty dollars, and sentenced to imprisonment for three years and six months. His case was associated with that of Rudger Clawson in the appeal proceedings that followed.

Peterson's Predicament.—On the day that the Evans trial closed, one Andrew Peterson was before Judge Zane, charged with polygamy and with illegal voting as a polygamist. He had been indicted for going through a vicarious marriage ceremony with a lady friend, a widow, who was thus "sealed" to her departed husband. Mr. Varian made known these facts to the Court, and moved for a dismissal of the indictment, stating that it was "a celestial marriage." "A celestial marriage?" queried Judge Zane. "Well, I guess that's beyond our jurisdiction;" and thereupon dismissed the case with a benignant smile.

Caine Versus Smith.—November, 1884, witnessed the recurrence of the regular Delegate election. The People's Party were again victorious, returning John T. Caine to Congress by a vote of 22,120 as against 2,215, the latter being the vote cast for the Liberal candidate, Captain Ransford Smith, of Ogden. Comparison of figures will show that neither party polled as heavily as at the election two years before.

Democracy Triumphant.—The triumph of the National Democracy, resulting in the election of Grover Cleveland as President of the United States, was the occasion of a great popular demonstration at Salt Lake City and in other parts of Utah. On the night of November 8th, the election result hav-

ing been ascertained, bonfires blazed, rockets soared, bands played, and cannon thundered, while mammoth meetings were addressed by "Mormon" and "Gentile" orators—such as were willing to affiliate for that purpose. The principal gathering was at the capital, in front of the City Hall, where the multitude thronged the street, while the speakers held forth from the balcony. Among these were Mayor Jennings, Delegate Caine, Judge W. N. Dusenberry, Aurelius Miner, Hadley D. Johnson, T. V. Williams, T. B. Lewis, H. J. Faust, and Dr. J. M. Benedict. Outside the Salt Lake Herald office, another meeting was addressed by Byron Groo, the editor of that paper, and by S. R. Thurman, D. C. Dunbar and others. No former Presidential election had caused in Utah anything approaching so spontaneous and enthusiastic an outburst of general rejoicing. Delegate Caine, who was chairman of the City Hall proceedings, and had been acting for some time as a member of the Democratic Congressional Campaign Committee, sent a telegram to the President-elect, at Albany, New York, informing him of this jubilation in his honor, and warmly congratulating him upon his election.

BYRON GROO

The "Gentile" Democrats, as a body, had no part nor lot in this matter. Factional feeling was too strong to permit of any affiliation. Independently, however, they assembled at the Walker Opera House, on the evening of November 19th, and ratified the election of Cleveland and Hendricks. Speeches were made by Judge Rosborough, Captain Ransford Smith, P. L. Williams, Judge Sutherland, Thomas Marshall, L. E. Holden, and Judge Canfield

The Young Democracy.—Meantime, as an indirect result of the national election, a new political movement had been launched. "The Young Democracy," as it was called, organized on the 12th of November "The Democratic Club of Utah." It was designed as a rallying point for the young men of the Territory whose views were such that they could not conscientiously train

either with the People or with the Liberals. Men like Joseph L. Rawlins, Alfales Young, Ben Sheeks, John M. Young, Joseph T. Kingsbury, L. S. Hills, A. L. Williams, Herbert Pembroke, and George A. Meears were the leading spirits of the organization. A number of veterans, including Judge Sutherland, Bolivar Roberts, and C. R. Barratt, also connected themselves with the cause. The Club started a paper called "The Salt Lake Democrat." But the movement was not popular; it was premature. After the general election in 1885, when the Young Democracy put its first ticket in the field, and, with all other opposition, was snowed under by the People's voters, the new party gradually dwindled and died—fell asleep to await the political resurrection that came a few years later, when the citizens of Utah divided on national party lines.

Changes in the Judiciary.—Contrary to general expectation, the advent of the Democratic Administration was not signalized by sweeping official changes in this Territory. President Cleveland was very deliberate in that direction, being wedded to the policy of "Civil Service Reform." So long as Federal officers faithfully discharged their duties, and were not "offensive partisans," he allowed them to remain in place, regardless of their political affiliations. One of those who went out of office, but retired of his own volition, was Associate Justice Emerson, who, being a staunch Republican, resigned in March, 1885, at the incoming of the Cleveland Administration. Judge Emerson did not look with favor upon the anti-polygamy crusade. He was opposed to making a specialty of any class of cases, and would treat polygamy like any other offense against the laws. His successor, Judge Powers, was a native of the State of New York, but had been for many years a resident of Michigan. Judge Twiss, retiring in January of that year, had been succeeded by his predecessor, Judge Boreman.

JUDGE SUTHERLAND

XXVIII.

UNDER THE HARROW.

1885.

The "Mormon" System Assailed.—At the beginning of operations under the anti-polygamy laws those first called to account were persons of little prominence, whose domestic affairs were revealed by informers equally or entirely unknown. Soon, however, it was determined to assail the head and front of the "Mormon" system, bringing such a pressure to bear upon the chief men of the Church that they would feel compelled to yield to the demands made upon them, and influence others to follow their example. A rigorous and stern policy was thought to be necessary, in order to insure speedy results. Such a policy was accordingly pursued.

Bygones Should be Bygones.—The narration of the unpleasant facts recorded in this volume is not intended to stir up bitter memories or perpetuate senseless feuds and differences. Such events could never happen again. They belong to the dead past. No present-day person or class is held responsible for them, and bygones should be treated as bygones. Nevertheless, happen they did—the page of history contains them—and no record of those times would be complete if they were omitted. This is the reason, and the only reason, for their reproduction here.

Methods of the Crusade.—It was assumed that most of the "Mormon" leaders practiced plural marriage, and that those who did not, were at least believers in its rightfulness. Belief, if expressed in a defense of the doctrine, was deemed by some almost equivalent to the practice. Against the men who were regarded as "pillars of the Church," the Government prosecutors prepared to move. Presidents, Apostles, Bishops, and other prominent Elders must be made to feel the heavy hand of the law, in order to induce a declaration of surrender. To reach the desired end, the local courts proceeded to extreme lengths, so extreme that their acts, in some instances, were repudiated and nullified by the higher powers.

As a result of the harsh enforcement of the law, the whole community was terrorized. Special Government funds having been provided for the purpose, a large force of deputy marshals was employed, and a system of espionage inaugurated. "Hunting cohabs" became a lucrative employment. Paid in-

formers, men and women, were set to work to ferret out offenses punishable under the recently enacted Congressional legislation. Some of these assumed the role of peddlers, or of tramps, imposing upon the good feelings of those whom they sought to betray. Others passed themselves off as tourists intent upon gathering information respecting the country and its resources. Children going to or returning from school were stopped by strangers upon the street and interrogated concerning the relations and acts of their parents. At night dark forms prowled around people's premises, peering into windows, or watching for the opening of doors, to catch glimpses of persons supposed to be inside. More than one of the hirelings thrust themselves into sick rooms and women's bed chambers, rousing the sleepers by pulling the bed clothes from off them. If admittance was refused, houses would be broken into. Delicate and refined women, about to become mothers or with infants in arms, were awakened at unseemly hours and conveyed long distances through the night, to be arraigned before United States Commissioners. Male fugitives, if they did not immediately surrender when commanded, were fired upon. All these statements are susceptible of proof; many of them being referred to in public documents and newspapers of that period.

The regular officers, as a rule, performed their duties in a considerate manner. But included among or associated with them were a number of swaggering ruffians, blustering, threatening, brandishing revolvers, frightening women and children —in short, making themselves as objectionable as possible to the victims of their relentless pursuit. Such misconduct was not confined to Utah. It was especially manifest in Idaho, where the crusade was carried on with vindictive rigor.

Connected with the courts was a regularly employed official accuser, but the duties of this functionary were mostly formal, the complaints signed by him being almost invariably second hand. Aside from the knowledge thus obtained, he knew no more in most cases about the persons he complained of, than about the inhabitants of Jupiter or Mars. The U. S. Marshal and his deputies were wont to say that their success in discovering cases liable to prosecution was owing less to official sagacity than to the voluntary action of men's neighbors or former friends, who, for various reasons, were induced to lodge information against them. Zeal for the law played its part, but frequently it was some private grudge or other unworthy motive that inspired the delator. All this, however, was to be expected under such conditions.

Special Police and Defense Fund.—To guard homes and families against the aggressions of the night prowlers, bodies

of special police were organized, and at times the hunters became the hunted. That so little friction and violence came out of such a situation, is a marvel, and one that speaks trumpet-tongued for the good order and self-control of the tantalized and trodden community. They were better men and women than those who trampled upon them. It is doubtful that any other American community would have endured so patiently under similar circumstances. No Ku Klux Klan arose in Utah, as it did in the South during the Reconstruction regime. The dreadful "Danites" again failed to appear, proving once more the falsity of the tales as to their existence and unspeakable atrocities.

One reason—though not the main one—why the people were patient, was the well founded suspicion that violent resistance was precisely what the opposition most desired. They knew that any deed of retaliation resulting in the serious injury of even a spy, would be magnified a hundred fold and used as an argument for the abrogation of civil government and the institution of martial law in the already afflicted Territory. The spies and spotters were also aware of this fact, and took advantage of it with a boldness resembling bravery, a courage more apparent than real. Their pathway, wet with the tears of women and children, was not strewn with many perils to themselves.

Among the measures adopted by those against whom the Edmunds Law was enforced, was a defense fund, instituted to pay the legal expenses and in a few instances the fines of persons unable to bear the heavy financial burdens entailed upon them by these prosecutions. The creation of this fund was characterized by those hostile to it as "a banding together of criminals to defeat the ends of justice." It was charged that the whole "Mormon" community was "in open hostility and rebellion against the Government of the United States."

Those who were "under the harrow" took a different view. They felt that they had the right, and that it was their duty, to defend themselves in every legitimate way; that something more was required of them than "immediate and unconditional surrender" to what they considered an unrighteous law, the repeal of which was hoped for, and seemed to them probable, if the issues involved were not too readily relinquished. This had been the case with the Fugitive Slave Law in former years—a Congressional statute pronounced constitutional by the Supreme Court of the Nation, but afterwards decided to be unconstitutional by the same high tribunal. Might it not be so with the Edmunds Law? This was the true "Mormon" position, and those who stood upon that ground were unable to

see how such an attitude placed them "in open hostility and rebellion against the Government." Nor is the proposition clear to the eye of history even at the present time.

Outside of Utah.—Simultaneously with the commencement in Utah of the "Crusade" or "Raid"—for both terms were used to describe it—similar activities, suggesting if not indicating a common understanding, were noticeable in Idaho and Arizona, in both of which Territories "Mormon" colonists had founded flourishing settlements. During the winter of 1884-1885, the Idaho Legislature enacted a law providing that no polygamist, or any person who was a member of any order, organization, or association which taught, advised, counseled, or encouraged its members to practice polygamy, should be permitted to vote at any election, or to hold any office of honor, trust, or profit within that Territory. This law incorporated a test oath covering these points, and the taking of the oath was required of all citizens, as a condition precedent to voting or holding office. The effect of this enactment was to disfranchise from fifteen hundred to two thousand citizens, most of whom had broken no law, but were simply members of an unpopular Church. The act of disfranchisement was followed by the arrest, conviction and imprisonment of many persons. Among those prosecuted under the Edmunds Law in Idaho were William D. Hendricks and William Budge, presidents respectively of the Oneida and Bear Lake Stakes of Zion.* President Budge, charged with unlawful cohabitation, was tried and acquitted at Blackfoot.† President Hendricks went into exile, and was next heard

WILLIAM BUDGE.

*The colonization of the Bear Lake country has been mentioned in a former chapter. Preston and other "Mormon" towns in Oneida and contiguous counties, were founded in 1879 and during subsequent years.

†In the Budge case unusual leniency was shown. Judge Hayes told the trial jury that the evidence did not justify conviction, and that if they brought in a verdict of guilty he would set it aside.

of in Mexico. Elder George C. Parkinson, one of the Oneida Stake Presidency, was proceeded against upon the charge of secreting a suspect of whom the officers were in search. Parkinson stoutly asserted his innocence, but was convicted on flimsy circumstantial evidence and sentenced to a year's imprisonment in the Penitentiary at Boise. The attorney who prosecuted him, doubting the justice of the judgment, afterwards helped to procure a pardon for him from the President of the United States.

Arizona imitated Idaho in the matter of a test oath disfranchising her "Mormon" citizens. But it did not remain permanently upon the statute books. Governor Zulick recommended its repeal, and the Legislature acted upon his suggestion. Still, the Edmunds Law was enforced there for some time with much severity. The first offenders dealt with in Arizona were A. M. Tenney, P. J. Christofferson, and C. I. Kempe. These Elders, in December, 1884, were sentenced by Judge Sumner Howard, former United States Attorney for Utah, each to pay a fine of five hundred dollars and to serve three years and six months in prison at hard labor. Their offense was unlawful cohabitation, but the Court construed it as polygamy, and punished it as such. William J. Flake and Jens N. Skousen, pleading guilty to the minor charge, were each heavily fined and imprisoned. The first three of these five defendants were sent to the Detroit House of Correction, two thousand miles from the scene of their conviction—Prescott, Arizona; but were brought back to that Territory before the expiration of their terms. The others were placed in the Penitentiary at Yuma.

The School Tax Case.—Parallel with some of these prosecutions, an important civil case arose in the Seventh School District of Salt Lake City. There had been a demand for a new school house in that locality, the old building having become inadequate, and at a meeting called for the purpose it was proposed to levy a special tax of one per cent upon the property in the district, to provide means for the erection of a more suitable structure. Some of the "Gentiles" opposed the tax on the ground that the public schools of Utah were sectarian in character. It was charged that the trustees would employ none but "Mormon' teachers, and that these teachers sought to disseminate their religious doctrines among the pupils. At the meeting where the tax was levied Judge John R. McBride—already mentioned in connection with the Campbell-Cannon contest—warned polygamists not to vote, the occasion being, according to his logic, "an election within the meaning of the Edmunds Law." The majority in the district, scouting this notion, and denying the allegation as to the sectarian char-

acter of the schools, voted the tax and instructed the trustees to collect it. The trustees were Isaac M. Waddell, Henry Wallace and Benjamin G. Raybould; the last named a non-"Mormon." Application was made for an injunction to restrain the collection of the tax, and the case went into the District Court.

Meantime the question as to whether a meeting called to levy a school tax could properly be considered an election, was presented to the Utah Commission and by that body submitted to the Secretary of the Interior, Honorable Henry M. Teller. He laid it before United States Attorney General Brewster, who, after informing the Utah Commission that it had no jurisdiction in the matter, expressed the opinion that a meeting of that kind was not an election within the meaning of the Edmunds Law, and that polygamists as well as monogamists could vote on such an occasion, provided they were property tax payers and residents of the school district in which the meeting was held.

Judge Zane and the Law.—The main question, involving the legality of the tax and the alleged pro-"Mormon" character of the schools, came before Chief Justice Zane early in January, 1885. For an entire week, polygamy, priestcraft, Church and State, and the whole burning issue of "Gentileism" versus "Mormonism" occupied the time of the court and no small share of the attention of the public. Old sermons were read, doctrinal works cited, witnesses examined, and speeches made, until Judge, attorneys, spectators, and the subject were all equally exhausted. At the conclusion of the hearing the Court held it to have been substantially proved that the authorities of the "Mormon" Church claimed the right to counsel their followers in temporal as well as spiritual affairs; and that as a general rule, though not in all cases, "Mormons" [the vast majority in Utah] had been employed to teach in the public schools; but it had not been shown that it was a common practice to give sectarian instructions in these schools. The weight of evidence was against the proposition that sectarian doctrines had been or would be taught in the Seventh District School, and as the proposed tax was in pursuance of a valid law it was collectable.

Judge Zane was always strenuous for the enforcement of the law. He upheld the civil authorities in their efforts to restrain the liquor traffic, and to abolish gambling and other evils. Some of his predecessors and their associates had been far less mindful of the general welfare.

Angus M. Cannon's Arrest.—About this time the movement began for the prosecution of prominent churchmen known or "understood to be" polygamists. The first proceeded

against was Angus M. Cannon, President of the Salt Lake Stake of Zion. He was charged with polygamy and unlawful cohabitation, and had a preliminary hearing before United States Commissioner William McKay, one of the most active officials of his class and time. This was in the latter part of January. The evidence showed that Mr. Cannon recognized three women as his wives, and that he had married them before the enactment of the Edmunds Law. Two of his families had suites of rooms in one house, and the other family occupied a separate domicile. The defendant admitted taking meals with his families in the double house, where he had a sleeping apartment, but denied living with any of his wives after the Edmunds Law went into effect. This was his answer to the charge of unlawful cohabitation. As for polygamy, the woman in the case was not found when the officers went in quest of her, and that part of the complaint was dismissed. The defendant was held in bonds to await the action of the Grand Jury, which subsequently indicted him.

ANGUS M. CANNON.

Unavailing Precautions.—The defense set up by the presiding officer of the Salt Lake Stake was practically the same as had been determined on by the Church leaders in general. Immediately after the enactment of the Edmunds Law, President Taylor and others had taken steps to place themselves upon what they considered "the safe side of the line." While not putting away their wives or failing to provide for them and their children, each gave to his several families, so far as possible, separate homes, and ceased to live with them. The President, for instance, occupied his official residence, the Gardo House, called by some "The Amelia Palace," where his widowed sister, Mrs. Agnes Taylor Schwartz, had domestic charge; his families living in their own homes at a distance. Such precautions, however, availed nothing.

In Arizona and Mexico.—At the time of Elder Cannon's arrest the head of the Church was absent on a visit to the

"Mormon" settlements in Arizona, whither he had gone to counsel and comfort his people residing in that part. President Taylor was accompanied by his second counselor, President Joseph F. Smith, and by Erastus Snow, Brigham Young Jr., Francis M. Lyman and other Elders. At St. David, in the southeastern part of that Territory, they met the presiding officers of the four Arizona Stakes, and learned particulars of the local situation. The Presidency advised those who were liable to prosecution to keep out of the way so long as the law was unjustly administered.*

Arrangements were made for the purchase of lands in Mexico, upon which families that were hunted and driven might settle. Sites were selected for that purpose in the State of Chihuahua, where some of the exiles were already encamped, preparatory to establishing permanent homes. At Hermosillo, the capital of the State of Sonora, the "Mormon" leader and his party were kindly received by Governor Torres.†

President Taylor's Farewell.—While at San Francisco, journeying homeward, President Taylor was warned that his arrest had been determined on and that it would not be safe for him to return to Utah. Nevertheless he started at once for Salt Lake City. Upon arriving home, however, he found the situation such as to compel him to take his own counsel and keep out of the way of what he deemed an improper administration of the law. At the Tabernacle, on Sunday, February 1st, he preached his farewell discourse and made his last appearance in public. Detailing the principal incidents of

*St. David and other "Mormon" towns in the San Pedro Valley had been founded in 1877, the year after the establishment of similar settlements along the Little Colorado river, where Lot Smith presided, with Jacob Hamblin and Lorenzo H. Hatch as his counselors. The San Pedro colonists and others in the Gila Valley were organized into a Stake, with Christopher Layton, David P. Kimball and James H. Martineau presiding. In 1878 the Salt River Valley was colonized, and Alexander F. McDonald, Henry C. Rogers and Charles I. Robson became the Stake presidency. Subsequently the Little Colorado settlements were divided into two Stakes, with David K. Udall and Jesse N. Smith as the respective presidents.

†"Mormon" missionaries had been operating in Mexico since 1875, and a mission had been opened at the City of Mexico by Moses Thatcher, of the Council of the Twelve, in 1879. One of Elder Thatcher's companions, on a subsequent visit to that country, was Feramorz L. Young, son of President Brigham Young, who died and was buried at sea while crossing the Gulf of Mexico, homeward bound, September 28, 1881. A plan to establish "Mormon" colonies in Mexico was projected about that time, but not acted upon. At a later period (1885) colonists settled on lands subsequently purchased by the Church, and in 1895 the Juarez Stake was organized. Among the most conspicuous Utah names connected with "Mormon" affairs in Mexico are Francis M. Lyman, Alexander F. McDonald, and Anthony W. Ivins.

his visit to Arizona, with the distress and sufferings that he had witnessed there, he now repeated the advice then given, applying it to all in similar situations. He likewise counseled the people to be patient and commit no violence, even if the officers of the law overstepped the bounds of their authority.

In Retirement.—The venerable leader then retired from public view. "Taking the underground," it was termed; a phrase borrowed from national history of pre-emancipation times, and having reference to a method employed by the Abolitionists to help fugitive slaves maintain their freedom. Many other prominent men did likewise.*

From time to time the First Presidency communicated with the Church by means of epistles, which were read at the Annual or Semi-annual Conferences. These were usually held, the former in April, the latter in October, and generally at Salt Lake City, though there were deviations from this rule, when such towns as Provo and Logan became the scenes of like gatherings. Eventually most of the Church leaders reappeared in public, but President Taylor was an exception. Only by certain members of his family and a few intimate friends, who accompanied him in his secret journeyings from place to place, acting as guards or messengers for him and his fellow exiles, was he again seen alive. Persistent efforts were put forth for the apprehension of the General Authorities. The President's Office, the Gardo House, the Historian's Office, and various private homes suspected of sheltering them, were searched, some of them repeatedly, by the U. S. Marshal and his deputies; but all in vain—the men most "wanted" were well out of the way.

The Edmunds Law Declared Constitutional.—Late in March, 1885, the Supreme Court of the United States rendered its decision in the case of Murphy versus Ramsey. It declared the Edmunds Law constitutional, but nullified the test oath formulated by the Utah Commission. That Board, according to this decision, had no lawful power to prescribe conditions for registration or voting. One effect of the decree was to shatter the doctrine "once a polygamist always a polygamist." Henceforth men and women who had formerly lived in plural marriage, but had ceased to so live, might register and vote. Nevertheless a man was still a polygamist who, though he might be living with but one wife, continued to maintain the

*"The 'underground railway' was in active operation by 1838. A constant northward movement of slaves went on. From abolitionist to abolitionist, at the chain of stations (private homes usually a night's journey apart) the fleeing slaves were passed until they were safe from pursuit, in Canada."—Guy Carlton Lee, in "True History of the Civil War" (p. 82).

relation of husband to a plurality of wives, and had not in some way dissolved that relation. In what way, the Court declined to specify. The "Mormons" themselves believed their marriages indissoluble, being "for eternity," and not merely "for time."

The "Promise to Obey."—The Murphy-Ramsey decision strengthened the hands of the Federal Courts in the Territories. As if acting upon the suggestion from Washington relative to the dissolution of plural marriage relations, some of the District Judges now began to require from polygamous defendants arraigned before them, a promise that they would discontinue such relations and never again resume them. If they refused to make this promise, as most of them did, their punishment was made heavier on account of their unbending attitude. On the other hand, a "promise to obey" brought a lighter penalty, and in some instances a suspension of sentence "during good behavior."

Constructive Cohabitation.—The Supreme Court ruling may have suggested another thought to the minds of those whose duty it was to interpret and enforce the Edmunds Law in Utah. Up to that time what constituted "unlawful cohabitation" had been a puzzling question to the local courts and their prosecuting officers. Judge Zane remarked that the term was "capable of as many meanings as a chameleon was of colors." It had been supposed, however, that sexual intimacy was a necessary element of the offense, and the Chief Justice in his decisions had virtually so held. But now a new light seemed to be thrown upon the subject. If a man living with but one wife was in polygamy if he acknowledged other women as his wives, bound to him, as he believed, by ties eternal and indissoluble, would not a similar rule apply to unlawful cohabitation? Was not a man guilty of that offense if he merely admitted himself to be the husband of a plurality of wives? We shall see how this thought materialized—how the suggestion bore fruit.

Purpose of the Prosecution.—But why all these strained constructions, and the unusual procedure that accompanied them? Why would not the ordinary course and methods suffice? The main reason was that the Federal Courts lacked confidence in their ability to solve the "Mormon Problem" in any other way than the one pursued. They were determined to succeed, whatever the strain, whatever the innovation, so long as they kept within hailing distance of the statute under which they operated. As already shown, those who conducted these prosecutions had a special, definite object in view. The polygamy of "John Doe," or the immorality of "Richard Roe,"

was but a minor issue in the controversy. The Edmunds Law, as interpreted by the Courts, had been enacted to put down plural marriage. Anything to stop it—was the prevailing sentiment against polygamy. But that was not all. "The Mormon Power" must be made to feel the pressure—must be pushed to the wall until willing to surrender. That was the paramount issue. The Church as a whole, rather than any individual member of it, was the target aimed at. Hence the term "Crusade"—objected to by some, but approved by others—as descriptive of these extraordinary proceedings. This fact borne in mind will explain many things referred to in the present narrative, and show the real reason for their occurrence.

The Cannon Trial.—Angus M. Cannon was tried before Chief Justice Zane late in April, the month following the delivery of the Murphy-Ramsey decision. It being early in the year and the jury list unexhausted, the open venire process was not resorted to, but jurors, before being accepted, were required to answer affirmatively the question: "Are you in sympathy with the prosecution?" During the progress of the trial the proposition was advanced that sexual intimacy was not an essential element of unlawful cohabitation, that offense being complete if a man and woman claiming to be husband and wife lived at one time in the same house.

This doctrine had already been hinted at by U. S. Commissioner McKay, when Mr. Cannon was before him for preliminary examination. The Commissioner, however, had not gone quite so far; he held that sexual intimacy was to be presumed under such circumstances. But now it was held that it was not even necessary to presume it. And upon this theory it was proposed to prosecute, and of course to convict, the defendant in the Cannon case, he having already confessed to sitting at table and occupying at times a separate room under the same roof that sheltered two of his wives. The change of attitude involved in the new construction evoked much comment, the prosecuting officers, in dealing with other polygamous defendants, having sought with much earnestness to secure proof of the kind now declared by them unnecessary.

Untrodden Ways.—It was plain that the Federal Courts were floundering. They scarcely knew what to do—as more than one of their officers afterwards admitted, privately. A most difficult task had been assigned them—far more difficult than at first appeared. It was nothing less than the overthrow of "an establishment of religion;" for that conviction, though scouted by Congress and the Courts, was still in the heart and conscience of the "Mormon" people. Precedents were rare, if not entirely lacking, in the whole realm of American jurisprudence; and guesswork played its part, perhaps as never before,

in the interpretation of an ambiguous statute. That judges and prosecutors theorized, experimented, groped their way, and occasionally stumbled on the untried path, or in the tangled wilderness through which they were hewing a path, ought to surprise no one.

Attorneys' Views.—At the Cannon trial the meaning of "unlawful cohabitation" was lengthily discussed. Assistant U. S. Attorney Varian argued that Congress, through the Edmunds Act, had intended to strike only at plural marriage, leaving fornication, adultery, and other sexual offenses to be dealt with under the local laws. Cohabitation, in the sense contemplated by Congress, could not exist outside the marriage relation; but it was not necessary to prove a marriage ceremony in such cases. If a man claimed two or more women as his wives, and held them out to the world as such, he was guilty of unlawful cohabitation.

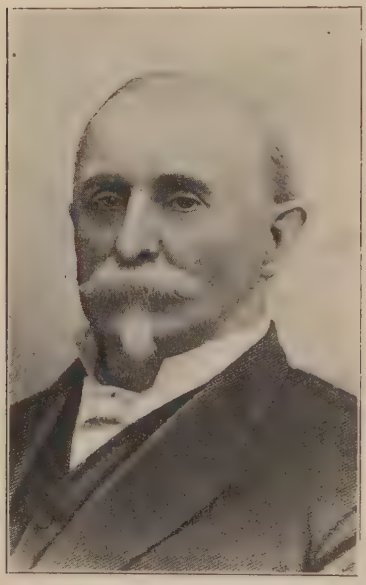
Counsel for the defense, Sutherland, Kirkpatrick, and Brown, combatted Mr. Varian's argument, contending that the Edmunds Law was designed to prevent polygamous marriages and the continuance of polygamous relations, so that no more polygamous children might be born. It subjected to punishment those who cohabited sexually with their plural wives, not those who merely visited or supported them, and looked after their children. Judge Zane was quoted as having given the proper meaning to cohabitation while charging the jury in the Clawson case, when he construed it to be "the living together of a man and a woman as husband and wife, or under such circumstances as induces a reasonable belief of sexual intercourse." In another case, that of Orson P. Arnold, the Chief Justice had said: "Polygamy is a man's treating more than one woman as his wives according to the forms of marriage, and unlawful cohabitation is a man's treating more than one woman as his wives without going through those forms." This indicated that the Judge, at that time, was not in harmony with the view that the Edmunds Law was aimed only at plural marriage.

District Attorney Dickson closed the debate. He maintained that a polygamist would continue in that status if he only visited and supported his plural wife. The law, however, would not interfere with him if he merely supported her and looked after the welfare of her children. A continuance of cohabitation was presumable, however, until judicial recognition had been given to any separation that might have taken place. "It is a matter of history," added Mr. Dickson, "that the Mormons do not cohabit together, in the sense used by the other side, without a form of marriage; and it was this form of marriage, with the practice under it, that Congress

legislated against. They knew that sexual sins were not upheld in Utah, being condemned by the Mormons and deplored by the Gentiles."

The Court's Decision.—Judge Zane, reversing his former rulings, now maintained that unlawful cohabitation was complete, without sexual intimacy, if a man held out to the world more than one woman as his wives. The rest of the trial was smooth sailing for the prosecution. The defendant had confessed enough to convict himself under this ruling of the Court, and the jury, charged in accordance therewith, were not long in finding a verdict of guilty.

The Musser Case.—The day following that upon which the Cannon trial closed saw the beginning of proceedings in the case of the United States versus A. Milton Musser. This defendant, who was an assistant to the Church Historian, had been indicted for unlawful cohabitation. To each of his three wives he had deeded a separate home, and had slept and taken meals in the house occupied by one of them. Nothing more was established, beyond the fact that he had lived with the three women "in the habit and repute of marriage." He was promptly convicted.



A. MILTON MUSSER.

Arraigned and Sentenced.—Elders Cannon and Musser were both arraigned for sentence on the 9th of May. Judge Zane gave to each the usual alternative of "promising to obey," stating that he did not wish to humiliate any one, or to have it understood that he was trying to extort a promise. "But," he added, addressing Mr. Cannon, "I would love to know that you could conform to the law." The defendant replied that when he became a citizen of the United States he had no idea that a law would be enacted making his religion a crime. He had done his utmost to honor his God, his family, and his country, and was not conscious of having committed any wrong. He could not say what he would do in the future, and was ready to receive the sentence of the Court. The Judge imposed the maximum

penalty for unlawful cohabitation—a fine of three hundred dollars, with six months' imprisonment.

Mr. Musser, when his turn came, presented a written statement which was read to the Court by his attorney, asking the Judge to define what course he should pursue after his release from prison, in order that he might be safe from further prosecution. The answer was that he must live with but one wife—any one of the three—and treat his other wives merely as friends.* This the defendant would not agree to do, whereupon the Judge said: "Inasmuch as you do not propose to submit, you will probably be involved in trouble again. It would be better for you and everybody else if that venerable man at the head of your Church would just stand up and say, 'I will obey the laws, and teach others to do the same.' If he would do that, he would never have to go to the Penitentiary. You go there because you will not submit to the laws of your country." He then pronounced a similar sentence to that imposed upon Mr. Cannon.

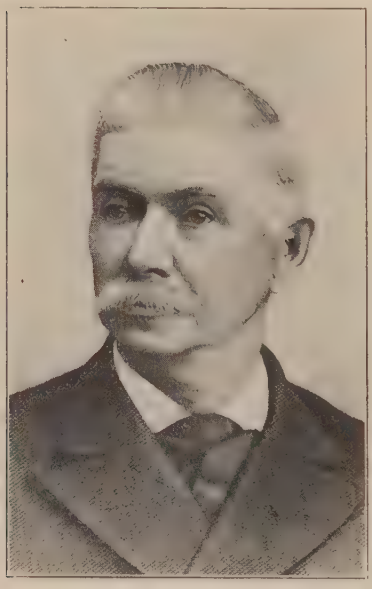
Judge Powers Dissents.—The Cannon and Musser cases were before the Supreme Court of Utah in June. From a majority decision by Judges Zane and Boreman, affirming the rulings of the Chief Justice, Judge Powers dissented, wholly as to the Musser case, and in part as to the Cannon case. He held that Musser had been convicted on the weakest kind of evidence, and was entitled to a new trial. Powers acquiesced, however, in Zane's definition of the term "cohabit."

Cohabitation Defined.—The Cannon case was taken on a writ of error to the Supreme Court of the United States, the purpose being to obtain a fixed and reasonable construction of the loose and elastic phrase "unlawful cohabitation." Mr. Cannon's attorney, Franklin S. Richards, contended that all precedents went to show that the term "cohabit" implied sexual intercourse. This was freely admitted, but the equally frank assertion followed that in order to reach a peculiar condition in Utah, another view must be taken, and another definition found. The decision from Washington came on the 14th of December. It sustained the action of the Utah courts, declaring the offense of unlawful cohabitation complete, without sexual intercourse, when a man flaunted in the face of the world "the ostentation and opportunities of a polygamous household." It was a majority decree, Justices Miller and Field dissenting. The former expressed the opinion that to hold men guilty under such circumstances was "a strained construction of a highly penal statute."

*In a subsequent case Judge Zane ruled that the first wife was to be given the preference.

Women Defendants.—Many arrests had been made by this time, and numerous prosecutions were pending. For refusing to answer questions that would criminate the men to whom they were married, three plural wives, Lucy Devereau Newsom, Elizabeth Starkey White, and Eliza Shaffer Snell, all of Salt Lake City, were sent to prison, and kept there, two of them, until their husbands requested them to give the desired information. At Ogden Mrs. James A. Nelson was prosecuted for assaulting a deputy marshal, who, with another deputy had tried to enter her home without a search warrant. She pushed them from the door and drove them out of the yard, belaboring one of the officers with a picket torn from her fence. Returning with the required papers, the deputies were politely received by Mrs. Nelson and shown through her domicile.

Bishop Brown's Defense.—In the District Court at Ogden, on the last day of June, 1885, occurred the trial of Francis A. Brown, Ex-Bishop, former City Councilor, and one of Utah's early educators. Sworn as a witness at his own request, the defendant addressed the Judge and jury, stating that he was descended from the old Puritan stock of New England, his forefathers having fought for freedom in the War of Independence. He had learned in childhood to love his country and render strict obedience to the laws. For over forty years he had been a member of the Church of Jesus Christ of Latter-day Saints, and had entered into the practice of plural marriage from a religious conviction. "I now ask your Honor what I am to do," said Bishop Brown to Judge Powers. "Shall I break the most sacred obligations that man can enter into? Shall I abandon my wives and children and cast them off upon the charities of a cold world? I know not of what metal your Honor is composed, but for myself, before I will prove recreant to my wives and children and betray my trust, I will suffer my head to be severed from my body. * * * I stand here innocent of any crime. I have a con-



FRANCIS A. BROWN.

science void of offense. * * * I have made up my mind that while water runs, or grass grows, or a drop of blood flows through my veins, I shall obey the supreme laws of my God in preference to the changeable and imperfect laws of man."

This address, delivered in the midst of a deep silence, much impressed the Court and spectators. The Salt Lake Tribune, commenting upon the incident said: "However much one may deplore such wrong-headedness, the admission must be made that here is a man, one who does not quibble and lie, and who scorns to show the white feather." The praise was partly intended as a criticism of other defendants who had endeavored in various ways to escape punishment.

Bishop Brown was convicted on his own testimony, no other witnesses being examined. The case was submitted without argument, and a verdict of guilty came as a matter of course. The defendant received the full penalty of the law. On the same day—July 11th—another Ogden man, Moroni Brown, was also fined and imprisoned for a similar cause. In behalf of his friend and himself, the Bishop said to the Judge: "If your Honor will make out our commitments and pay our fare, we will find our way to the Penitentiary without the company of any of the marshals." The Judge replied that he had no power to grant such a request.

Bishop Sharp's Action.—A number of defendants made the required "promise to obey", among them, Bishop John Sharp, of the Twentieth Ward, Salt Lake City. A man of sterling worth, respected and esteemed by all classes, he had been for many years one of Utah's leading financiers, and was a director of the Union Pacific Railroad. Charged with unlawful cohabitation, his case was pending in the District Court, when, on the 18th of September, 1885, he went before Chief Justice Zane, pleaded guilty, and presented a written statement which was read to the Court by his attorney and son-in-law, Mr. P. L. Williams. The defendant represented that he and his wives had entered into plural marriage at a time when no law existed against such relations, and in embracing this doctrine of their religion, they had not designedly placed themselves in conflict with the laws of the land. The Edmunds Act, though harsh, did not, as he understood it, compel him to disown his wives and children. He had arranged his family affairs so as to conform to the law, and was now living in harmony with its provisions. Asked as to whether he intended to do so in the future, he answered in the affirmative.

Judge Zane commended the stand taken by Bishop Sharp, and expressed the belief that his example would have a good effect. He then said: "I am disposed to exercise the discretion which the law gives me, so as not to impose any im-

prisonment. I will simply impose a fine of three hundred dollars and costs." The fine was paid, and the defendant went forth a free man.*

Bishop Sharp's action was both praised and blamed. How the Church leaders viewed it, was evidenced by an early request for the Bishop's resignation—a request presented by the Salt Lake Stake Presidency. Nevertheless, the Ex-Bishop continued to be held in high regard, and at his funeral, a few years later, his old time associates were among the sincerest mourners.

Bishop Clawson's Attitude.—Bishop Hiram B. Clawson, of the Twelfth Ward, having been convicted of unlawful cohabitation, stood before Judge Zane for sentence. Given the usual alternative, he expressed a determination to remain true to the covenants he had made with the mothers of his children. The Court was severe with this defendant, imposing upon him, not only the heaviest penalty allowable, but administering along with it a caustic verbal chastisement. The Bishop had pleaded that his first polygamous relations were entered into before the enactment of laws against plural marriage. The Judge answered that there never was a time when polygamy was lawful in the United States, nor did he believe that it was recognized by the laws of Mexico, of which Utah was once a part.† When those relations were formed, therefore, they were void; the second wife, in the eye of the law, was nothing more than a concubine, and the children born of such relations were bastards. The Judge also intimated that the defendant was guilty of cowardice for refusing to

BISHOP CLAWSON.

*The first to take this course was Orson P. Arnold, of Salt Lake City, whose case has been mentioned briefly (page 399). Subsequently, Mr. Arnold reconsidered his action, revoked his promise, and went to prison.

†Chief Justice Eckels expressed a similar view in 1857-1858, several years before the enactment of the Anti-Bigamy Law. See page 164, also Note.

promise obedience, his refusal being partly based upon the ground that he would suffer social ostracism if he cast off his wives and children.

The "Mormon" press and people hotly resented the comments of the Court in this case, particularly the epithets applied to plural wives and their children. They also criticized the Judge for imputing cowardice to a man who preferred "prison with honor" to "liberty with dishonor"; that being the language in which the defendant had signified his choice. It is gratifying to be able to state that Judge Zane and Bishop Clawson afterwards became better acquainted and were quite friendly.

John Nicholson's Stand.—John Nicholson, of the editorial staff of the Deseret News, when arraigned on a similar charge, waived his right to plead, and was sworn as a witness for the prosecution. He took this step voluntarily, to save his family from being brought into court to testify. Nicholson stated that the Edmunds Act made his conduct criminal—malum prohibitum, though it was not malum in se, or wrong in itself. He had a large family, who were attached to him, as he to them, by the tenderest ties, and a requirement to discard a portion of them placed him in a very painful position. His plural wife, who would have been the principal witness had he not testified against himself, had told him that she would decline to say anything that would send him to prison. After such an exhibition of devotion on her part, he could not think of cutting her adrift; the bare idea was revolting to him. In conclusion the defendant said: "My purpose is fixed, and I hope unalterable. I shall stand by my allegiance to God, fidelity to my family, and what I conceive to be my duty to the Constitution, which guarantees the fullest religious liberty to the citizen."

JOHN NICHOLSON.

Judge Zane gave Mr. Nicholson credit for candor and sincerity, but sentenced him to the full limit of the law, adding

the stern prophecy: "This law will go on and grind you and your institutions to powder."

A Lawyer Prosecuted.—The case of Aurelius Miner had some peculiar features. In the first place, being an attorney, the oldest living practitioner in the Utah courts, he conducted his own defense, assisted by Mr. Moses Kirkpatrick. Judge Zane put this question to the defendant: "Are you prepared to say that you will obey the laws of the United States in future?'

JUDGE MINER.

Mr. Miner replied that some laws of Congress, after being declared constitutional by the Court of Last Resort, had been pronounced unconstitutional by the same tribunal, and this might be so with the Edmunds Law, which reached into the domain of morals, where Congress had no right to go.

Judge Zane.—"Well, Mr. Miner, it is not worth while for you to question whether this law is right or wrong. The Supreme Court of the United States has declared it constitutional, and it is not for you to dispute it. The American people, through their servants in Congress, determine what is right and wrong conduct, and after the Supreme Court pronounces their act valid, that is the end of controversy."

Mr. Miner.—"That is the end of legal controversy, I admit; but not the end of controversy in the forum of conscience or the forum of debate."

The defendant received the full penalty for unlawful cohabitation. Then followed proceedings for his disbarment, based upon his conviction of a misdemeanor and his attitude toward the laws. His conviction, it was claimed, involved moral turpitude. Thomas Marshall, in behalf of the Utah Bar Association, presented the charges, and he, with Judge Hoge, conducted the prosecution. During the proceedings Mr. Kirkpatrick argued that it was not customary to disbar for sexual irregularities, and inquired why cohabitation should be a cause for disbarment, when adultery was not. The answer was that cohabitation was "worse than adultery." The charges were

sustained, and Judge Miner was disqualified for practice in the Utah courts. Subsequently, however, he regained his legal standing.

Typical Cases.—The foregoing are a few cases selected from many, as typical of the prosecutions of that period. To dwell upon all, or even give them passing mention, would be impracticable in a condensed history, and without profit to the general reader. Before the crusade ended, nearly a thousand persons had suffered imprisonment under the operations of the anti-polygamy laws.

A Disappointing Statute.—And yet the Edmunds Law proved a disappointment. The attitude of most of the defendants impleaded thereunder convinced those who were working for the suppression of plural marriage that they had undertaken a much harder task than they anticipated. Neither the makers nor the ministers of the law had given the men and women who practiced this form of marriage sufficient credit for sincerity. Imputing to them unworthy motives, they supposed even light penalties would induce them to recede from their position and sever their peculiar relations. They found this to be an error. The Anti-Bigamy Law had always been a dead letter, inoperative, ineffectual; and now the Edmunds Act, its original severity enhanced by the extreme interpretations put upon it, had failed to accomplish its purpose. More legislation must be had, or existing laws must be made more effective, if success was to crown the efforts put forth for the extirpation of polygamy. So reasoned the prosecutors and the judges.

Heavier Penalties Invoked.—The result was the adoption by them of a doctrine and practice whereby the law's heavy hand was made much heavier. This time, however, they went too far, and were not sustained by the Court of Last Resort, which declared their doctrine and practice illegal.

The opinion that weightier penalties were necessary in this class of prosecutions had been entertained for some time prior to the new departure. Judge Zane, in one of the early cases that came before him—that of Parley P. Pratt, Jr.,—virtually expressed regret that the Edmunds Law was not more severe, and as if suiting the action to the word, pronounced upon the defendant a heavier punishment than the law allowed; adding to the usual sentence of imprisonment the words "at hard labor". This error was rectified, however, as soon as the Court's attention was called to it. But the feeling back of the original act remained, not only with the Chief Justice, but with all who were "in sympathy with the prosecution."

Further Legislation Recommended.—Governor Murray

and the Utah Commission, in their autumn reports for 1885, urged the necessity of more stringent legislation against polygamy and "Mormon" interests in general. A Legislative Commission, to act in conjunction with the Governor in filling by appointment all offices then elective by the people, was recommended. Some of the "Anti-Mormons" favored a disfranchisement statute, similar to those enacted in Idaho and Arizona. But Congress was not ready to grant these requests, though it resumed, during the following winter, consideration of a bill out of which grew an act to dissolve the "Mormon" Church as a body corporate, and escheat its property to the Federal Government.

"Segregation".—Meantime the Utah courts adopted an expedient that answered the purpose of an additional Act of Congress, and threatened at one time to be used with terrible effect. The theory was advanced that while the maximum legal penalty for unlawful cohabitation was a fine of three hundred dollars and imprisonment for six months, there was nothing to prevent the period of the offense—which might be three years under the statute of limitations—from being divided into lesser periods, each one to be covered by a separate indictment. Hence "Segregation", by which name the new doctrine became known. It was introduced into court on the 16th of September, when the Grand Jury of the Third Judicial District came before Chief Justice Zane and requested instructions upon a matter previously presented to them by the United States Attorney. It had been proposed to "segregate" a case of unlawful cohabitation which the Grand Jury was then considering. Having heard the matter, the Judge instructed the jurors that an indictment might be found for any portion of time within the three years, 1883, 1884, and 1885, during which the offense was shown to have been committed, whether that portion of time was a year, a month, or a week. The U. S. Attorney, however, had only suggested the finding of an indictment for each of the three years mentioned.

Possibilities of the Procedure.—According to the theory advanced, a man who acknowledged more than one woman as his wives—that being the latest definition of unlawful cohabitation—and who continued to acknowledge them for three years, might be indicted three times, thirty-six times, or one hundred and fifty-six times, according to the will of the Grand Jury. And this was pronounced "good law" by some of the leading members of the Utah Bar. But more than one layman took issue with the attorneys upon that point.

The divisional process suggested in the Third District Court left little to be added in the way of innovation. The

Judge of the First District, however, went a step further. While instructing his Grand Jury he remarked that an indictment might be found against a man guilty of unlawful cohabitation for every day or other distinct interval of time during which he offended. "Each day," said Judge Powers, "that a man cohabits with more than one woman, is a distinct violation of the law, and he is liable to punishment for each separate offense."

"According to this proposition," said the Deseret News, "the obnoxious 'Mormon' could be sentenced to an aggregated term of five hundred and forty-seven years and six months, and compelled to pay a fine of $328,400. If he happened to be impecunious, he could be made to remain in prison for ninety-one years and three months longer, in order to satisfy the poor convict act." In the same ironical vein it was suggested that the prisoner might be fortunate enough to shuffle off his mortal coil before the expiration of the term, and that some scheme ought to be devised by which such an escape from the rigors of the law could be met. "Why not extend its penalties to the other life?" asked the author of the satirical article. He went on to suggest that the remaining occupant of the Bench (Judge Boreman) might stand circus fashion upon the shoulders of the other two magistrates, and instruct his Grand Jury to segregate a given time into hours, and indict accordingly. Referring to the absent Church leaders and those who found fault with them for going into retirement instead of "facing the music", the same writer said: "Developments are constantly occurring that ought to show the dullest mind that the amount of consideration or justice they would receive at the hands of the courts of Utah, could be injected into a person's eye without causing him to wink."

CHARLES W. PENROSE

The News Editors.—The chief editor of the News at that time was the veteran journalist, Charles W. Penrose, whose keen and ready pen had long been a thorn in the side of those who were conducting the crusade. He was one of the men

much sought after by the raiding deputies. In January, 1885, he had been sent on a brief mission to the Eastern States, and during his absence his legal wife and family, down to a boy of eight years, were summoned before the Grand Jury. His wife refused to testify, but the desired evidence was drawn forth from the children. While in the States the husband and father was appointed to go abroad, and, during the next two years, labored in the European Mission, which was then in charge of President Daniel H. Wells. Mr. Penrose did editorial work upon the "Millennial Star", the Church organ at Liverpool, and corresponded with the Deseret News over the nom de plume of "Exile".

In the absence of the Chief Editor, his associate, John Nicholson, conducted the paper, serving in that capacity before and after his imprisonment, which began October 13, 1885. It was Nicholson's caustic pen that satirized, in the manner set forth, the doctrine of segregation.

Unconverted Grand Jurors.—Three members of Judge Zane's Grand Jury were not converted to the doctrine. They were Newel W. Clayton, Jacob Moritz, and J. W. Davis. These gentlemen took the ground that the finding of more than one indictment for the same offense was an infringement of the Constitution, in that it opened the way for the imposition of excessive fines and unusual penalties. They argued that since the law of 1862 fixed the maximum penalty for polygamy at a fine of five hundred dollars and imprisonment for five years, while the Edmunds Law made the utmost punishment for unlawful cohabitation a fine of only three hundred dollars and imprisonment for six months; therefore, to multiply indictments against men in the manner proposed was to render them liable to heavier punishment for the lesser offense than for the greater. Consequently they refused to segregate, and were sharply reproved by the Judge and discharged from the Grand Jury.

HUGH S. GOWANS.

The Gowans Case.—The first case to be affected by the segregation ruling was that of

Hugh S. Gowans, President of Tooele Stake, who was indicted by the Grand Jury of the Third District three times for the same offense, and subsequently arraigned in court to plead to the triple indictment. The Gowans case, however, was not the first of its kind to come to trial; and when the trial took place it was only upon one of the indictments, the others being held over for future use. The defendant was convicted and sent to prison.

As to the Motive.—It is scarcely necessary to inform the reader that matters were never pushed to the full lengths suggested by the foregoing utterances from the Utah Bench. It would require the extreme of credulity to believe that such a course was ever contemplated. A desire to multiply pains and penalties, with a view to increasing human suffering, was not the mainspring of this extraordinary procedure. Charity would demand such a concession even if reason did not. The Federal Courts and their officers stood upon higher ground. They were determined to end the crusade, and to conquer those whom they now looked upon as sincere fanatics rather than as obstinate law-breakers. Hamlet's attitude toward the Queen Mother—"I must be cruel in order to be kind"—or something like it, was the position of the public prosecutor, not a hard-hearted man by nature, and as a rule courteous, mild-mannered, and affable. "Segregation" was intended to strike terror to the "Mormon" heart, and compel an earlier surrender on the part of the Church to what some of its members were beginning to feel was the inevitable.

XXIX.

SENSATIONAL EPISODES.

1885-1886.

An Appeal to the Nation.—Early in 1885 the leading men of the "Mormon" community had taken steps to acquaint the country with the condition of affairs in Utah, and obtain, if possible, some relief from the terrible strain the Territory was under, owing to the operations of "The Crusade". It was hoped that the Nation, which had just returned the Democracy to power—for the first time in twenty-eight years—would not turn a deaf ear to an appeal from American citizens who felt themselves trampled upon and robbed of their rights. The majority in Utah were Democrats by tradition, and it was believed that the national party leaders would not, when fully informed, sanction the course pursued by radical Republican office-holders in this then unhappy commonwealth.

Epistle from the First Presidency.—The idea of such an appeal came from the First Presidency, in an epistle read at the Annual Conference, which convened that year at Logan, on the 5th of April. It was the first public communication from the heads of the Church after they went into retirement, and was signed by John Taylor and George Q. Cannon; their associate, Joseph F. Smith, being then in a foreign land.* Incidentally the fact was mentioned by the Presidency that the men who practiced plural marriage constituted only a very small percentage of the membership of the Church, and it was pointedly asked why a whole community should be terrorized and injured for the alleged shortcomings of a few.

The Conference, after hearing the epistle, appointed a committee to draft an address to the Nation. That committee, twenty-two in number, were authorized not only to prepare the address, but to call mass meetings in different parts of the Territory where it might be read to and adopted by the citizens. The mass meetings were held on the 2nd of May, the principal one in the Tabernacle at Salt Lake City, where ten thousand people listened to the reading of the "Declaration of Grievances and Protest" prepared by the Conference Committee, and to speeches in support of what it contained.

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*From October, 1884, to September, 1891, President Smith was not seen publicly in Utah. He spent a considerable portion of that period in the Hawaiian Islands, and was afterwards in the Eastern States, exerting an influence for the welfare of his people.

Declaration and Protest.—The document bearing that title was addressed "To the President and People of the United States." It called attention to the situation in Utah, Idaho, and Arizona, "a condition of affairs imperiling the liberties of every freeman"; and made reference to plural marriage as "a vital principle of the 'Mormon' religion"—a fact conceded by the Utah Commission in its report to the Secretary of the Interior, November, 1884. The further fact was presented that plural marriage was not introduced in violation of law, but the law was enacted against this principle of religion.

The Declaration affirmed that the authorities at Washington had disregarded the rights of the citizens of Utah in the matter of local self-government, refusing them Statehood, compelling them to accept Territorial or colonial conditions, discriminating against them in various ways, and sending strangers to them as governors, judges, prosecuting attorneys and marshals, men who with honorable exceptions had no interest in the common welfare, and had haughtily ignored the rights and trampled upon the liberties of the people.

The Commissioners appointed under the Edmunds Law were criticized for usurping "extraordinary, illegal and arbitrary powers". While their sole duty under the law was to appointed registration and election officers and to canvas the returns and issue certificates of election to members of the Legislative Assembly, they had illegally assumed to exercise important legislative and judicial functions. In the appointment of registration officers, they had selected for such positions, whenever possible, only such persons as belonged to the "Anti-Mormon" faction, denying to the majority party, whose members comprised four-fifths of the population of the Territory, representation among the registrars. In the appointment of judges of election they had either refused the majority party any representative at all, or had only given it one of the three judges in each precinct.

Complaint was made against the injustice of United States officials sent to execute the laws. They had generally allied themselves with sectarian priests and political adventurers; lending their executive or judicial influence to foment local excitement, and degrade the citizens of Utah in the estimation of people abroad. The Governors of the Territory, possessing absolute veto power, had usually been despotic in their ministerial acts.

The present Governor especially had "acted the part of a petty tyrant." In his official messages and reports, in his contributions to the press, and in his public addresses, he had constantly misrepresented the state of affairs in Utah, and seized upon every opportunity to arouse popular prejudice and hatred

against her people. The Edmunds Act contemplated the discontinuance of the Utah Commission as soon as the Legislature should provide for filling the registration and election offices under local laws; yet when a bill was submitted to the Governor providing for this change, in full conformity with the Edmunds Law and other acts of Congress, he vetoed the measure and continued the Commissioners in office. The preceding Legislature had passed a bill, drawn up in accordance with the Governor's suggestions, apportioning the representation of the Territory, but when it was presented to him for his signature, he treated it with contemptous silence.

The Edmunds Law, which not only provided for the punishment of polygamy, but also cohabitation with more than one woman, whether in the marriage relation or outside of it, was made to operate upon one class of people only—the "Mormons." The paramour of mistresses and harlots, secure from prosecution, walked the streets in open day. No United States official put a "spotter" on his trail, or made an effort to drag his deeds of shame and guilt before a judge and jury for investigation and punishment. But in Utah, Idaho and Arizona, a concerted .attack was made upon the "Mormon" people.

After a further citation of acts already summarized in the previous chapter, the document went on to say: "In consequence of this crusade, which bears all the aspects of a religious persecution, business relations are disturbed, values of every kind unsettled, neighborhoods agitated and alarmed, and property of the people generally jeopardized. It not only affects alleged violaters of the law, but those who are innocent of transgressing it. It works a hardship upon the entire community, upon the innocent as well as the guilty. The overwhelming majority of the 'Mormon' people are monogamists, and but a small percentage are even suspected of violating the law. In the name of this great majority we pray that this unusual, cruel, and partial administration of the law shall cease. If the 'conscience of the people' demands that the law be enforced, let it be enforced in all the Territories and in the District of Columbia, as well as in Utah—upon Jews and Gentiles as well as upon the 'Mormons.'"

So far the Declaration. Then followed the Protest, summing up the points set forth, and ending with this appeal: "We respectfully ask for the appointment, by the President, of a Commission to fairly and thoroughly investigate the Utah situation; and pending its report, we solemnly protest against the continuance of this merciless crusade."

The Tabernacle Mass Meeting.—The proceedings at the Tabernacle evoked a tremendous demonstration. Nearly every sentence read or spoken was punctuated with applause. More

than once the voice of the reader was drowned in the tumult, and he was obliged to pause until the tempest of sound had subsided. The reading closed amid a whirlwind of cheers and hand-clappings that continued for several minutes.

One regrettable incident connected itself with the meeting, and it was entirely outside the program. United States Attorney Dickson, his assistant, Mr. Varian, and Commissioner McKay were present in the Tabernacle, and were hissed by a portion of the audience as they arose to depart just before the close of the proceedings. The unseemly demonstration was promptly checked by the chairman, Honorable John T. Caine.

President Cleveland's Promise.—The Declaration and Protest, having been adopted, was carried to Washington by Delegate Caine and two others of the committee. They were courteously received at the White House, where President Cleveland, after listening attentively to their statement of the object of the visit, and receiving from their hands the document of which they were the bearers, said: "Well, gentlemen, so far as the Edmunds Law is concerned, I had nothing to do with that, though of course it is my duty to see it enforced, as well as all other laws. You are entitled to fair consideration, however, and in any appointments made by me I shall endeavor to give you men of a character who will see that the law is impartially administered." His face broke into a smile as he added: "I wish you, out there, could be like the rest of us."

"All we ask," said Delegate Caine, "is that the law shall be fairly and impartially administered."

"You are entitled to that," replied the President, "and so far as I am concerned I shall see that it is done."

The Half-Masting Episode.—During the following summer another attempt was made to call the Nation's attention to the distressful situation in this Territory. The method employed was effectual, but many people, "Mormons" as well as "Gentiles", deemed it improper and unwise. While the motive was not unpatriotic, the act was construed as a demonstration of ill will to the Government.

Early on the morning of the Fourth of July a number of the flags hoisted at Salt Lake City in honor of the day, were observed to be flying at half-mast; among them the flags at the City Hall, the County Court House, and Zion's Co-operative Mercantile Institution. From these tokens, significant of public mourning, it was at first supposed that General Grant was dead; his spirit at that time being about to take flight. But this impression was soon dispelled, since the Stars and Stripes upon other buildings and at Fort Douglas were at full mast, and no bulletin announced the death of the Nation's

hero. Some drew the inference that the "Mormon" President had passed away; but inquiry revealed the fact that this supposition was also unfounded. Gradually the truth dawned upon the public mind. The starry banner had been hung midway as a sign of sorrow, but not for any individual. It meant that certain citizens took the view that Liberty was in chains so far as Utah was concerned, and that it was a time to grieve rather than jubilate.

Division of Sentiment.—As intimated, the general sentiment was much divided, even among the "Mormons". Many regarded the act as appropriate and timely, while others, foreseeing the use that would be made of it, were almost as much offended as the "Gentiles". The latter were also mixed in their opinions; those of radical tendencies jumping to the conclusion that it was a treasonable demonstration, and the conservative element suspending judgment until an investigation could be made.

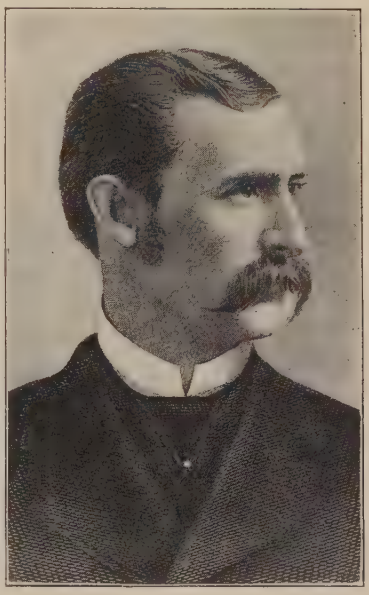
A committee headed by United States Marshal Ireland and Major Edmund Wilkes proceeded to the City Hall and inquired for Mayor James Sharp. The Mayor not being in his office, they interviewed City Marshal William G. Phillips, who informed them that he had caused the flag to be half-masted on the liberty pole in front of the Hall. Describing how most of the citizens felt over the imprisonment or exile of their leading men, the breaking up of families, and the general terrorization, he assigned these as the reasons why the flag had been so placed.

Marshal Phillips' explanation seemed to satisfy the committee that no indignity had been intended, but they requested, in the interest of peace, that the City Hall flag be lowered or run up to the staff-head. One of their number, Captain Evans, a former U. S. deputy marshal, remarked that it made him as angry to see the Stars and Stripes half raised at such a time, as when Fort Sumter was fired on. Major Wilkes, who had been a Confederate officer, could not of course echo that particular sentiment, but he joined in the Committee's request, which was subsequently honored by Mayor Sharp. Similar action was taken at the County Court House, and later at other buildings.

Early in the day, during a G. A. R. celebration at Lindsay's Gardens, a pleasure resort in the northeastern suburb, indignant speeches were made by "Gentile" and "Mormon" orators, and resolutions passed protesting against the alleged "insult to the flag." In the afternoon a crowd marched up Main Street, loudly voicing its determination to raise the flag on "The Co-op" (Z. C. M. I.), which building, closed and

locked for the day, was in charge of the watchman, Hamilton G. Park. He had not placed the flag, but was resolved to permit no trespass upon the property. He warned the crowd that they would break into the store at their peril, and held them at bay until the arrival of two Z. C. M. I. directors, by whose order the desired change was made. Governor Murray applied to General McCook for military aid to compel the raising of all the flags, public and private, but the Fort Douglas commander declined to interfere.

The "Anti-Mormons" made effective use of the half-masting episode. The Associated Press agent telegraphed abroad his version of the affair, and succeeded in stirring up quite a commotion in some of the Eastern cities. "Let us hear no more of Mormon love for the Stars and Stripes," said the Salt Lake Tribune. The Deseret News denounced "the attempt to construe the incident into an insult to the Government," as "supremely absurd, as well as heartless and atrocious." Referring to the assassination of President Garfield, and the general half-masting at the time of that tragedy, the Church organ said: "A man who would have accused the country of insulting the flag because it was then placed in a drooping position, would have been treated as an idiot. The people of Utah joined in that universal grief. They are now sorrowful over the decadence of their liberties." The City Council, after a thorough investigation, published an official statement to the effect that nothing disrespectful to the Nation had been intended.



MOSES THATCHER.

Excitement at Ogden.—The excitement at the capital on Independence Day was duplicated on a smaller scale at Ogden, though the cause was not the same. At a joint celebration, in which representative "Mormons" and "Gentiles" took part, after an oration by Judge Powers, Moses Thatcher was invited to speak. Accepting the invitation, the Apostle portrayed the unhappy situation in Utah, and criticized those who had brought about the enactment of the Edmunds Law. As a parallel he cited certain memorials to Congress advocating laws to prohibit Sabbath break-

ing, memorials referred to in a published report by Honorable R. M. Johnson, of Kentucky. The report said: "The State has no more power to enforce the observance of Sunday upon moral and religious grounds, than it has to compel the citizen to be baptized, or to partake of the sacrament of the Lord's Supper." "It is not for the Legislature to determine what is or what is not God's law. In this matter it can go no further than to protect all citizens, of whatever faith, in the peaceful exercise of their rights, leaving each to interpret God's law for himself, * * * without being amenable to any authority in the State for either his conduct or his conclusions, so long as neither leads him to interfere with his fellow man in the exercise of like rights." These words, applied to local conditions and driven home with fervid eloquence, went straight to the hearts of most of Mr. Thatcher's hearers, and met their entire approval. Very different, however, was the effect upon the minority, who were highly incensed at the Apostle's speech.

Much Ado About Nothing.—A rumor now became current that the "Mormons" intended to half-mast the Stars and Stripes on Pioneer Day, when a mammoth Sunday School jubilee was to be held in the Salt Lake Tabernacle. Efforts were made to convince the troops of the regular army stationed in the West, and the members of the various G. A. R. organizations in the surrounding States and Territories, that their presence at the Utah capital would be desirable on July 24th in order to prevent another insult to the Emblem of Liberty. So successful was this fiction that General Howard, at Omaha, in a telegram to President Cleveland, expressed the fear of a general "Mormon" uprising, and was ordered by the Chief Magistrate "to keep all posts of the Western Platte Department in full strength and prepared for any emergency that may arise in Utah in the near future."

Again at Half-Mast.—Preparations for the Sunday School Jubilee went steadily forward, and the time for the peaceful celebration drew near. There had been no intention to half-mast the flag on that occasion, but as fate would have it, just one day before the proposed observance General Grant died, and the whole country bowed above the great soldier's bier. Everywhere the Stars and Stripes were half-masted in token of the general sorrow. Governor Murray, in a proclamation, recommended "that flags, draped in mourning, be placed on all public buildings, and as far as practicable on business houses and on the houses of the people." He did not advise any half-masting; but the reason was obvious, and the omission did not affect the result. The Jubilee was abandoned, and the mem-

cry of the departed chieftain duly honored by all the people of Utah.

Lorenzo Snow's Arrest.—The next sensation was the arrest of Lorenzo Snow, one of the senior Apostles of the Church. In common with most of his associates, this venerable man had gone into exile at the beginning of the reigning troubles. He traveled for a season among the Indian tribes of the Northwest, and spent some time in California. Returning to his home in Brigham City about the middle of November, 1885, he remained there until the 20th of that month, when he was suddenly pounced upon and made a prisoner.

Tactics of the Raiders.—The Apostle's arrest was accomplished by seven deputy marshals, who rode from Ogden between midnight and daybreak and surrounded the house in which the object of their quest lay sleeping. It was the residence of Mrs. Minnie J. Snow. Deputy Marshal Oscar C. Vandercook headed the party, which included Captain J. W. Greenman, also of Salt Lake City, and several officers from Weber County. Having invested the premises, they knocked at the kitchen door. Day was just breaking, and only the servant girl was awake. "Who's there?" she demanded. "Is Brother Snow in?" asked a voice. Instead of answering it, the girl awoke Mrs. Snow, who from the windows of her bedroom took in the situation at a glance. Surrounding the house, the dark forms of men were dimly discernible in the grey light of morning, while two carriages with steaming horses stood at the front gate. The purpose of the untimely visit was apparent. After more parleying, Mrs. Snow admitted the officers, who presented a search warrant, and proceeded to explore the house from cellar to garret. They were finally successful, and in response to their summons the master of the house came forth and surrendered himself.

LORENZO SNOW.

The peaceful town was thrown into a fever of excitement when it was learned what had taken place. Friends in large numbers gathered at the

Snow residence to express sympathy and offer protection. Declining the proffered interference, the aged prisoner entered the carriage with the officers, and was driven southward. At Ogden he was arraigned before United States Commissioner Black, and held in bonds of eighteen hundred dollars to await the action of the Grand Jury.

A Deputy Marshal in the Toils.—The sensation caused by this capture was less than two days old when another incident equally stirring took place. It was the arrest of one of the deputies who had figured prominently in the Brigham City raid. Returning from the North, he was alighting from the train at Salt Lake City, when two policemen took him into custody. The warrant upon which he was held had been issued from the Police Court, upon a complaint filed by the City License Collector, charging the Deputy Marshal with lewd and lascivious conduct, in violation of the local statutes.

Not only was general interest awakened; in some quarters absolute consternation reigned, caused by a report that the police were in possession of a long list of names whose owners were liable to be called to account for practices similar to those charged against the defendant in this action. Upon whose shoulder the official hand would next fall was uncertain, and suspense added misery to the fears of the self-convicted. But only four persons were arrested.

Nolle Prosequi.—Proceedings in habeas corpus, followed by an appeal to the United States Supreme Court, suspended proceedings against the Deputy Marshal. The other defendants, convicted in the Police Court, were each fined three hundred dollars and sentenced to three months' imprisonment. They appealed to the District Court, and there the whole movement received its quietus. It was shown, not that the accused were innocent, but that lewd women had been employed to tempt them and lead them astray. The Assistant U. S. Attorney, who was in charge of the cases, moved to dismiss them, and the motion was granted; the Supreme Court of the Territory affirming the judgment. Peace reigned once more in many anxious households, and the hapless License Collector, convicted of conspiracy, was sentenced to a year's imprisonment in the County Jail.

The Collin-McMurrin Encounter.—A personal encounter between Henry F. Collin, a "Gentile" deputy marshal, and Joseph W. McMurrin, a "Mormon' nightwatchman, furnished material for more excitement during that effervescent year. The encounter took place in an alley running east and west immediately north of the historic Social Hall. The time was about seven p. m., on Saturday, the 28th of November. According to McMurrin's deposition, he and Collin,

who had exchanged hot words on a former occasion, met in the alley. McMurrin struck at Collin, whereupon the latter, thrusting a pistol against his assailant's body, fired twice and fled. McMurrin returned the fire, but being badly wounded, two balls having passed through his abdomen, his shot was ineffective. Staggering into State Street, he made known his condition to a passerby, who informed the police. The wounded man was taken to the City Hall, and believing himself to be dying, he dictated a statement in accordance with the foregoing account.

JOSEPH W. MCMURRIN.

Meantine Collin, after a hurried run to his home in Social Hall Alley, had placed himself under the protection of U. S. Marshal Ireland, and was conveyed to the Penitentiary for safe keeping. He declared that four men, armed with clubs, had attacked him, and that he had shot one of them, the others running away. Rumors of a threatened attack upon the Penitentiary caused General McCook to detail an armed squad to conduct Collin to Fort Douglas. The commander was persuaded that the post itself was in danger, and every precaution was taken to guard against an assault.

Groundless Rumors.—The rumors were entirely unfounded. There was no hostile demonstration whatever. The public mind had been severely shocked, but excitement was subdued by a general feeling of sorrow over the impending fate of young McMurrin, who was much esteemed. The usual Sabbath services were held, and many fervent prayers ascended for his recovery; but there were no incendiary gatherings or speeches, and no attack upon the Penitentiary or the Fort was dreamed of, except by those whose credulity had been imposed upon by the extravagant reports set in circulation. Nevertheless the wires were kept warm describing an alleged arming and uprising of the "Mormons"; sensational telegrams were sent to the seat of Government, and President Cleveland

was advised to place Utah under martial law. He telegraphed to General McCook, requesting investigation of the reports, and immediate information as to their truth or falsity. The General informed the President that the fear of an uprising was groundless, but suggested an increase in the standing force at Fort Douglas.

Battery "D"—A Provost Guard.—In accordance with General McCook's recommendation, Battery D of the Fifth Artillery, U. S. A., was forwarded from Omaha, arriving at Salt Lake City early in December. There were sixty-five men, four rifled steel guns with caissons, and a sufficient number of horses to complete the equipment. As they filed up South Temple Street on their way to the Fort, they surveyed with wide-eyed wonder the peaceful streets and calm demeanor of the populace. One of the soldiers, an Irishman, was heard to inquire: "Whaire is the inimy intrinched?" A volume could tell no more concerning the character of the reports that had deceived the country.*

The arrival of Battery D made necessary the finding of other quarters for some of the soldiers already at the garrison. At all events this was assigned as the reason for sending Captain Charles G. Pinney, with forty-five men, to occupy quarters and act as a provost guard within the city. They were stationed just west of the old Herald Corner, on First South Street, one block west of Main.

The rumors of an impending outbreak were investigated by the City authorities, and shown to be utterly without foundation. A copy of these findings was sent to Delegate Caine at Washington, and by him laid before President Cleveland.

Close of the Incident.—Two months later an examination in the McMurrin-Collin case was held before U. S. Commissioner McKay. McMurrin was not present. Collin's version of what happened at the time of the encounter in the alley, was accepted by the Commissioner as the true statement, and the deputy was discharged. McMurrin's wounds had been pronounced fatal, but to the surprise of everyone he recovered. Leaving Utah, he spent four years in Europe, and then returned and offered himself for trial. Diligent search for an

*An Eastern mercantile firm, influenced by the warlike news from Utah, communicated with Z. C. M. I., offering a large lot of swords, guns, saddles, and other military trappings, at a great discount. The proffered bargain was declined, with the statement that there was no sale for such articles in this Territory, and Z. C. M. I. did not care to lumber up its shelves with dead stock.

indictment against him failed to discover one, and no further action was taken.*

Trial of Lorenzo Snow.—The trial of Lorenzo Snow, who had been indicted for unlawful cohabitation, began on the 30th of December, about six weeks after his arrest at Brigham City. The trial took place in the District Court at Ogden. History, in order to be accurate, should say, "trials", since there were three in which the Apostle figured as party defendant. His case had been segregated by the Grand Jury, and each of the three years, 1885, 1884, and 1883, was covered by a separate indictment. The indictment for 1885 charged that the defendant had lived during that year with seven wives, and upon this presentment he was first arraigned.

JUDGE POWERS.

The Federal Court room in the Junction City had never held a more interested audience than thronged it on that occasion. Judge Powers presided; Assistant U. S. Attorney Victor Bierbower conducted the prosecution; and the defense was represented by Franklin S. Richards, Bennett, Harkness, and Kirkpatrick, R. K. Williams, Charles C. Richards and Henry H. Rolapp. The jury were all "Gentiles."

Defendants' Wives on the Witness Stand.—Prior to the examination of witnesses, the defendant stated by counsel that in order to save time he would admit the relationship of husband and wife between himself and each of the women named in the indictment. Harriet, Mary, Eleanor, and Sarah Snow then testified in turn that they were the defendant's wives, but that he had not lived with them during the year

*Mr. C. S. Varian, who was Prosecuting Attorney at the time, claims that there was an indictment in the case, but that he had it dismissed at the request of Mr. McMurrin and his friends. McMurrin's statement differs from this. He affirms that after his return from Europe, he with his brother-in-law, Royal B. Young, went to see the Prosecuting Attorney about the matter, and that Mr. Varian made careful search for an indictment, but could find none, and dismissed his visitor with the remark that he would be sent for when wanted. McMurrin was not sent for, and nothing further developed.

1885. He had supported them and their children, and had made brief calls upon them, but had not slept, eaten, nor lived in their homes. Minnie J. Snow testified that the defendant had lived with her continuously since her marriage. According to other witnesses, he had sat with his wife Sarah at a play, had ridden in a carriage with her and with Minnie, and had introduced Harriet and Sarah as his wives in the Grand Jury room at Ogden. It was shown that he had transferred to each wife her own home, and that it was common repute in Brigham City that for several years he had lived with but one wife.

Plea of the Prosecution.—Mr. Bierbower, in addressing the jury, declared that the defendant had broken the law even by recognizing and visiting his plural wives. Referring to the prominence of Lorenzo Snow, he contended that this Apostle stood before the Court in a representative as well as an individual capacity. "One word from his eloquent tongue, or one line from his caustic pen, would go further towards settling this vexed question than any dozen men in the 'Mormon' Church." "I verily believe," said Bierbower, "that the example of his conviction will be more potential for good than would the conviction of three score of the Elders, Deacons, and Bishops."

This kind of pleading had become quite common in the Courts of Utah. Judge McKean seems to have set the pace when he declared that "a system" was "on trial in the person of Brigham Young". For a similar remark at the trial of John H. Miles, Assistant U. S. Attorney Beatty had been promptly reproved by Judge Tilford, of counsel for the defense. As a matter of fact, the whole anti-polygamy crusade was conducted in this spirit. It was the "Mormon" Church, rather than any individual, that was the real object of attack.

Argument for the Defense.—The counsel for Lorenzo Snow characterized the plea put forth by Mr. Bierbower as a virtual request to the jury to convict the defendant for being a "Mormon" Apostle. They maintained that Lorenzo Snow stood before the court precisely as any other party charged with a criminal offense. To show that he was a "Mormon" was not enough; he must be proved guilty of the offense charged, that of living and cohabiting during 1885 with all the women named in the indictment. This had not been shown. The defendant's admission that these women were his wives, under a compact considered by him and them indissoluble, was not proof of cohabitation, nor were his brief, casual, day-time visits to their homes. Even if he had introduced two of them as his wives in Weber County, that was not Box Elder County, the place named in the indictment. There was not a scintilla

of evidence that he had lived or cohabited with them. The habit as well as the repute of marriage must be shown, in order to convict him.

Further Proceedings.—The Judge, in charging the jury, stated that if they found the defendant had held out to the world two or more women as his wives during 1885, they were to bring in a verdict of guilty. Such a verdict was rendered the same evening.

The second trial, based upon the indictment for 1884, occurred on the 4th and 5th of January, 1886. It was practically a repetition of the first trial, with some original features. A plea by the defense that the former conviction should bar further prosecution, was demurred to by Mr. Bierbower, and the court sustained the demurrer. Except for a statement by one of the witnesses, Henry E. Bowring, that Adeline Snow was reputed to be the first wife of Lorenzo Snow, the testimony was much the same as that given on the former occasion. At the first trial the defendant had been convicted for holding out to the world more than one woman as his wives, regardless of marital intimacy. Now he was convicted because of his admitted intimacy with Minnie, and the reputed fact that his legal wife was Adeline; intimacy with her being presumed.

Immediately after the close of the second trial, a jury was empaneled from the spectators present, and the defendant, who had assented to this arrangement, was tried at once on the indictment for 1883. The testimony and verdict were identical with those previously given.

A Triple Sentence.—Judge Powers sentenced the defendant on the 16th of January; first, however, permitting him to address the court in his own behalf. The Apostle affirmed his belief in the principle of plural marriage, and his reverence for the laws of his country. Asserting his innocence, he declared that he had been convicted without evidence, and declined to make any statement as to what he would do in the future. Three separate sentences were then pronounced upon him, each imposing a fine of three hundred dollars, and imprisonment for a period of six months. Pending his appeal, he continued on bail in the sum of fifteen thousand dollars.

The Legal Wife.—In February the Supreme Court of the Territory rendered a decision in the case for 1885, Chief Justice Zane voicing the decree. He held that Sarah, not Adeline, was the legal wife of Lorenzo Snow, since Adeline was understood to be one of two women married to him at the same time; Charlotte, the other woman, being dead. This double marriage was illegal, and consequently void. Sarah, the next woman married to him, was therefore the legal wife. Intimacy

with her was presumed, and intimacy with Minnie was not denied. The decision affirmed that of the court below.

The cases for 1884 and 1883 were passed upon a week later. In the first of these, Judge Boreman who was spokesman, took issue with the Chief Justice as to who was the legal wife of the defendant. There was no evidence, he said, that Adeline and Charlotte were married at the same time, and Boreman therefore agreed with Powers that Adeline must be regarded as the legal wife. Upon the most important point of all—segregation—Boreman cited a Massachusetts opinion, in which it had been held that a conviction for maintaining a tenement for the illegal sale of intoxicating liquors was not a bar to an indictment found for maintaining the same tenement on the last day named in the first indictment and on other days succeeding. This case, the Judge thought, furnished a parallel to the present proceedings. The District Court was sustained.

In the remaining case Judge Powers spoke for the Court, affirming, or helping to affirm, his own decision; an incident exhibiting in a strong light the inconsistency of allowing but three Federal judges to a Territory; an inconsistency about to be done away with in Utah by the appointment of a fourth magistrate for the Supreme Bench.

Carried to Washington.—The questions involved in the Snow case were of sufficient importance to warrant an appeal to the highest tribunal in the land. Chief Justice Zane granted a writ of error for that purpose, and the case was carried to Washington. In order to furnish sufficient reason for its advancement upon the calendar, the defendant surrendered himself a prisoner to the United States Marshal, and on the 12th of March was taken to the Penitentiary.

The Old Utah "Pen."—The Utah Penitentiary at that time was little more than a corral, a rectangular mud-wall enclosure, containing several acres of ground and two or three small houses, one of which, a low log structure, served the double purpose of dining room and meeting hall, while another, a stone building, was used as a dormitory. The beds were arranged along the sides, one above another. The prisoners were locked in at night, and let out in the morning. They might wander at will over the ample space within the walls, but must not pass without permission "the dead line," near a pair of heavy wooden and iron gates, the only means of egress from the yard. Armed guards patrolled the walls and looked down from sentry boxes at the corners of the enclosure. An iron cage called "the sweat box," in which refractory convicts were placed, stood in one corner. The Warden's house, where female prisoners were kept, was outside the gates and virtually a part of the high mud wall, and

THE OLD UTAH "PEN."

the same was true of the kitchen and store rooms. One of these was also a reception room, where the inmates might receive visitors on certain days.

The male convict, on entering the Penitentiary, was clothed in the usual zebraic costume (white and black stripes), and unless health conditions demanded a deviation from the rule, his hair was close cropped and his face clean shaven. It was customary with the prisoners to make merry at the expense of each new arrival, who was given his choice whether to sing a song, dance a jig, or be thrown up in a blanket. Sometimes a rope was tied around him and a mock hanging indulged in. These hazings, however, were discontinued, by order of the United States Marshal. No indignity was put upon Elder Snow, and he was permitted to wear his full flowing beard all the while he was in prison.

George Q. Cannon Taken—Efforts continued to be exerted for the discovery and arrest of the "Mormon" leaders, and finally the man most wanted by the officers fell into their power. That man was George Q. Cannon, Ex-Delegate to Congress and First Counselor to the President of the "Mormon" Church. Because of his great influence, it was supposed that his conviction and imprisonment would go far toward inducing a surrender on the part of the entire community. For information leading to his capture, the United States Marshal had offered a reward of five hundred dollars. The date of his

arrest was Saturday February 13, 1886; the place, Humboldt Wells, Nevada.

President Cannon, at the request of President Taylor, had set out for Mexico, to conclude negotiations for the purchase of lands in that country; and traveling with him were Elders Erastus Snow, Samuel H. Hill and Orson P. Arnold. Their journey had begun at Salt Lake City, from which point, as far as Ogden, they occupied for prudential reasons a freight car. At Ogden they took team to the vicinity of Willard, and there, on the night of February 12th, boarded a west-bound Central Pacific passenger train. Next morning, at Winnemucca, Nevada, Sheriff Fellows, of Humboldt County, got upon the train and rode as far as the Wells, where a stop was made for dinner. The Sheriff had received a telegram from Marshal Ireland, requesting him to arrest George Q. Cannon, who would be found in the sleeper "Santa Clara." To whom the Marshal was indebted for this information, the public never learned; but it was supposed that a brakeman had recognized President Cannon and wired the news to the Utah capital, thus earning the promised reward. Sheriff Fellows arrested his man and took him from the train. Mr. Arnold followed, leaving the rest of the party to continue their journey. The Sheriff and his prisoner returned to Winnemucca, and there met Marshal Ireland and Captain Greenman, just from Salt Lake City.

Alleged Attempt to Escape.—The Marshal and his party, with President Cannon in custody, took the Utah-bound passenger train on the afternoon of the 15th. Early next morning, after the train had passed Promontory, an incident occurred regarding which two different accounts became current. President Cannon, according to his own statement, had been ill during the night, and was upon the rear platform of the last car, inhaling the fresh air, when a sudden lurch threw him off his balance. Missing the hand rail, he alighted at full length upon the frozen ground. The fall well-nigh stunned him; his nose was broken, and an ugly gash cut over the left eye. Partly regaining consciousness, he found himself alone in the midst of a bleak uninhabited waste. He was soon found, however, by Captain Greenman, who had come back to look for him, and at the hotel in Promontory Marshal Ireland rejoined them.

Brought Back by the Military.—A belief that the prisoner had attempted to escape, supplemented by a report that his friends intended to take him by force from the Marshal, caused that officer to make a requisition for troops to assist him in bringing home the captive. Governor Murray endorsed the requisition, and it was honored by the Fort Douglas author-

ities; Captain Pinney, of the Provost Guard, with twenty-seven men, being detailed for the service.

At four o'clock on the morning of the 17th the Marshal and his prisoner again set out for Salt Lake City—this time on a special train in which President Cannon occupied Bishop Sharp's private car, which had been sent for him. The armed squad surrounded the improvised couch upon which he rested. Just before reaching Ogden the soldiers were ordered to load their guns; the phantom of the rumored rescue still haunting the minds of their superiors. All was quiet at the Junction City, and likewise at the Territorial capital, where the special arrived shortly before eight a. m. The soldiers alighted first, and through the grim files the bruised and bandaged prisoner was lifted into a hack and conveyed to the office of the United States Marshal.

Excessive Bail Demanded.—President Cannon faced three charges for unlawful cohabitation, his case having been segregated. Bail was demanded in the sum of forty-five thousand dollars. For $25,000 of this amount John Sharp and Feramorz Little became his bondsmen, while for the remaining $20,000 Francis Armstrong and Horace S. Eldredge were accepted as sureties. The prisoner was then delivered into the care of his family.

Bonds Forfeited.—President Cannon's trial was set for March 17, at 10 a. m. The hour arrived, but the man did not appear. While awaiting his coming, the Court passed sentence upon his son, Abraham H. Cannon, who had been convicted of unlawful cohabitation upon testimony furnished by himself. President Cannon still failing to appear, his bond was declared forfeited, and the amount, twenty-five thousand dollars, was required of his sureties, Sharp and Little, who promptly paid it. The bonds for twenty thousand dollars were subsequently forfeited in like manner, but in this case the sureties, Armstrong and Eldredge, decided to test in the courts the questin of excessive bail. They therefore withheld payment, and a suit instituted against them for the amount, after passing through the Utah courts, was carried to Washington, where the Ex-Delegate succeeded in having it dismissed. Eventually the amount paid by his other bondsmen was restored to him by Act of Congress.

"Mormon" Women's Protest.—Early in March a mass meeting of "Mormon" women had convened in the Salt Lake Theatre and issued an indignant protest against the treatment meted out to their sex in the Federal Courts and in other places by representatives of the Government. Stress was laid upon the character of questions put to female witnesses in the Grand

Jury Room, concerning which the protest said: "In order to fasten the semblance of guilt upon men accused of this offense (unlawful cohabitation) women are arrested and forcibly taken before sixteen men and plied with questions that no decent woman can hear without a blush. Little children are examined upon the secret relations of their parents, and wives in regard to their condition and the doings of their husbands. If they decline to answer, they are imprisoned in the Penitentiary as if they were criminals." The lack of consideration shown by deputy marshals in their midnight visits to the homes of the people, was also mentioned; one case cited being a raid upon Greenville, near Beaver, where Deputy Marshals Gleason and Thompson conducted themselves toward a number of ladies in a reprehensible manner. Efforts on the part of the courts to induce legal wives to testify against their husbands, were likewise made a subject of complaint. A memorial protesting against such acts was sent to the seat of Government.

Other Notable Arrests.—Among the Elders arrested in 1886 were Seymour B. Young and Brigham H. Roberts, of the First Council of the Seventy. Mr. Young, son of Joseph Young and nephew to the great Pioneer, was one of the veterans who responded to the call of President Lincoln in 1862, for a company of Utah cavalry to guard the overland mail route and telegraph line. He had also figured in the Black Hawk Indian War, and at an earlier period as a missionary, one of a company that crossed the plains with hand carts in 1857. Mr. Roberts has been introduced to the reader as the acting President of the Southern States Mission at the time of the Cane Creek Massacre. Charles O. Card, President of Cache Stake; and William E. Bassett, successor to Bishop Sharp in the Twentieth Ward of Salt Lake Stake, were likewise taken into custody. All four were charged with unlawful cohabitation, and Bishop Bassett with polygamy as well. Young and Card escaped from the officers, but the former returned and delivered himself to

SEYMOUR B. YOUNG

the law, whereupon his case was dismissed; the latter proceeded to Canada, where he founded Cardston, the first "Mormon" settlement in the province of Alberta. Mr. Roberts also absented himself, refusing to be tried under existing conditions. He labored for nearly two years in the European Mission, and then returned, gave himself up, and underwent a brief term of imprisonment.

The Bassett Case.—The Bassett case became noted for the reason that the defendant was convicted upon the testimony of his former legal wife, who was permitted to appear in court against him. Chief Justice Zane had ruled that a legal wife was a competent witness against her husband when the husband had committed a crime against the wife, and he held that marriage with a plural wife constituted such a crime. Judge Henderson, who had succeeded Judge Powers, followed in the wake of the Chief Justice, and it was before him, in the District Court at Ogden, that Bishop Bassett came to trial. He was convicted, but the judgment, after being confirmed by the Supreme Court of the Territory, was reversed by the Supreme Court of the United States.*

G. A. R. Visitors.—In midsummer of 1886 several large detachments of the Grand Army of the Republic passed through Utah, traveling from the East to San Francisco, where a great encampment was to be held. They stopped over long enough to warm themselves at a series of "campfires," kindled in their honor at the Skating Rink in Salt Lake City. General John A. Logan was the principal figure among them, and an address by him on the character and power of the American Government was the most meritorious feature on any of the programs. Several local orators contributed to the entertainment of the guests, and a strong "Anti-Mormon" flavor was imparted to the proceedings; "Mormon disloyalty" being the main theme dwelt upon.

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*Bishop Bassett was arrested in October, 1886, and tried and convicted in January, 1887. His case was before the Supreme Court of Utah in the following February. Early in March it was carried on a writ of error to Washington. There it was heard during the October term of 1890. The Court of Last Resort, in rendering its decision, used this language: "The wife is not competent, except in cases of violence upon her person, directly to criminate her husband, or to disclose that which she has learned from him in their confidential intercourse. This rule is founded upon the deepest and soundest principles which have grown out of those domestic relations that constitute the basis of civil society, and which are essential to the enjoyment of that confidence which should subsist between those who are connected by the nearest and dearest relations of life. To break down or impair the great principles which protect the sanctities of husband and wife, would be to destroy the best solace of human existence."—Bassett vs. United States 137 U. S. 496.

The Thompson-Dalton Homicide.—The close of the year witnessed a tragedy that sent a thrill of horror through Utah. It was the killing of Edward M. Dalton, a reputable citizen of Parowan, Iron County, by U. S. Deputy Marshal William Thompson, Jr., already mentioned in connection with the raid upon Greenville. Thompson, at the time of the killing, was endeavoring to arrest Dalton for an infraction of the Edmunds Law. The latter had previously been arrested upon the same charge—unlawful cohabitation—but had escaped. He spent several months in Arizona, and then returned to Parowan. For the purpose of apprehending him, Thompson, with Deputy Marshal William O. Orton, rode from Beaver during the night, and at Parowan put up at a hotel kept by Daniel Page, an apostate "Mormon." Some of the deputies had been heard to say that they would shoot Dalton rather than permit him to again escape. It remained for Thompson to carry out the threat.

It was the forenoon of the 16th of December, and Dalton, mounted, unarmed, and apparently unsuspicious of danger, was driving a herd of cattle past Page's place, which was on a corner, when, from the back yard of the hotel, he was hailed by loud voices and commanded to halt. Almost immediately a shot was fired, and Dalton fell from his horse mortally wounded. Friends rushed to the scene, and the dying man was carried, first into the hotel, and then toward his mother's home, but expired before reaching there.

EDWARD M. DALTON

Deputy Marshal Thompson, who had fired the shot, declared that Dalton, on being hailed, "turned his horse and started to get away." He also stated that he tried to fire over Dalton, but the gun went off sooner than he expected. Other witnesses disputed the assertion that Dalton attempted to escape, and the coroner's jury decided that the killing was felonious.

The whole town was grief-stricken and burning with indignation. Dalton's slayer, arrested by Sheriff Adams, was

taken before Justice Henderson, where he waived examination and was held to answer to the Grand Jury. Most of the members of that body—which Thompson, it seems, had selected by the open venire process—accompanied or followed a posse of deputy marshals who rode in haste from Beaver with a writ of habeas corpus to take the prisoner out of the hands of the Sheriff. They had no trouble in securing the persons of Thompson and Orton, who were given a hearing before Judge Boreman and admitted to bail.

Marshal Dyer's Attitude.—Frank H. Dyer was then United States Marshal for Utah, having succeeded Mr. Ireland in the previous June. Thompson telegraphed to Dyer his version of the affair. The Marshal was horrified at the act of his subordinate, and at once revoked his commission. He declared that Thompson's course was "absolutely unjustifiable," since Dalton was charged only with a misdemeanor, and in such cases an officer had no right to shoot.

MARSHAL DYER

In Thompson's Behalf.—On the other hand it was contended that a homicide was excusable under the Territorial statutes when committed by an officer while endeavoring to arrest a person charged with an offense punishable by imprisonment in the Penitentiary, provided the killing were necessary in order to prevent an escape. Most of the people, however, stood by Marshal Dyer's interpretation of the law --that the right to shoot was limited to cases in which a felony had been committed by, or was charged against, the person attempting to escape, and did not apply to one accused of a mere misdemeanor. That Dalton's alleged offense was a misdemeanor, the Edmunds Law plainly stated.

Tried and Acquitted.—What the outcome would be was evident to the public long before the trial occurred. It was well understood that Thompson's course was justified by those who would prosecute and sit in judgment upon him. His acquittal surprised nobody.

Mr. Varian's Position.—It is only just to the Assistant-

U. S. Attorney, who went from Salt Lake City to prosecute Thompson for manslaughter—this being the indictment in the case—that his position in that unfortunate affair should be clearly understood. Dalton's friends asserted that the Prosecuting Attorney's statement of the case was virtually a plea for the defense, and that the same was true of the Judge's charge to the Jury. Mr. Varian, in a recently published account, says:

"It was the duty of the United States Attorney to state the law governing the case to the court and jury as he understood it, and it was the duty of the trial judge to direct the jury as to the law as he found it to be. In my address to the court * * * I reviewed the acts of Congress on the subject of crimes from the foundation of the Government, with the conclusion that there was no Federal statute defining felonies or misdemeanors, and that the distinction observed by the common law was not applicable and could not be made effective under our system." "I further contended that the Territorial law relative to arrests was not applicable, and was not the rule by which the acts of Government officers, executing the process of the United States courts, were to be tested." He affirmed that the United States Government had the power, through its officers, "to employ all means necessary to arrest and bring to the judgment of its courts offenders who had been indicted for violation of its laws," and "the presiding Judge (Boreman) so charged the jury." Mr. Varian claims that "the law, as asserted by the District Attorney and announced by the Court, was recognized and approved" at Washington.

The Opposite View.—The Deseret News denounced the whole proceeding as a "farce," and condemned the verdict in unmeasured terms. It went so far as to brand Thompson as a murderer. A libel suit followed, the slayer of Dalton, with Mr. Varian as his attorney, placing his damages at twenty-five thousand dollars. Having been acquitted, and his commission restored to him, the judicially exonerated Deputy had the News people at a disadvantage. The publishers, rather than risk a trial, compromised the case, and the matter so ended.

XXX.

THE DARK BEFORE THE DAWN.

1886-1887.

President Cleveland's Policy.—It was a cloudy and a dark day for Utah, and was destined to be darker still before the storm passed and the day broke. President Cleveland was a friend to the Territory, and desired the welfare of its people. But he was slow to make official changes, and this, in the opinion of the majority here, was precisely the thing most needed at that particular time. The President's conscientious adherence to the policy of Civil Service Reform was largely responsible for his inaction in the premises. Furthermore, he was no doubt reluctant to displace officials who had made the first effective moves against an institution condemned alike by Democrats and Republicans, and who therefore had public sympathy to lean upon. While no petty calculating politician, but a man who dared do right, regardless of consequences to himself, he owed it to the party which had placed him at the helm of Government not to put weapons, if he could avoid it, into the hands of their political opponents.

PRESIDENT CLEVELAND

Governor Murray's Exit.—It was a full year after Cleveland's inauguration when he called upon Governor Murray to resign. The latter had continued in the Governorship longer than any of his predecessors excepting Brigham Young. Popular with the "Anti-Mormons," he was essentially their Governor; the majority of the people having little cause to love him. His hospitable nature—for he was a true son of the South in that respect—accounted for much of his popularity with those who rallied round him. But he also aided in the furtherance of their plans, and they would have been ungrateful indeed had they not appreciated his devotion and service.

The immediate cause of Murray's removal grew out of the controversy between the Governor and the Legislature, over

the right to appoint certain Territorial officers. Incensed at the refusal of the Council to confirm his appointments, the Executive in 1886, as in 1884 and 1882, withheld his signature from several very important measures passed by the local lawmakers; his crowning act being the veto of the General Appropriation Bill.

The Legislature adjourned on the 12th of March. Immediately thereafter Governor Murray issued a proclamation appointing Arthur Pratt Auditor, Bolivar Roberts Treasurer, and Parley L. Williams Superintendent of Schools for the Territory; positions then held respectively by Nephi W. Clayton, James Jack, and L. John Nuttall. These gentlemen had been elected according to law, and commissioned by Governor Murray himself. Suits for the possession of the offices were instituted in the Third District Court, which tribunal, and subsequently the Supreme Court of the Territory, decided in favor of the Governor's appointees. Appeals were then taken to the Supreme Court of the United States.

N. W. CLAYTON

Murray's action in making these appointments met the approval of the Supreme Court at Washington, which eventually decided that the Governor was right in his contention. But the veto of the Appropriation Bill cost him his place; this action displeasing the President, who, a few days later, sent a request for his resignation. The request, transmitted through the Secretary of the Interior, L. Q. C. Lamar, was promptly acted upon. The Ex-Governor remained in Utah for a season, and was admitted to the Bar, but did not practice as an attorney, and soon after took his departure from the Territory.*

*Murray went to California. Several years later he called upon Presidents Wilford Woodruff and George Q. Cannon at San Diego, they happening to be there on a visit, and during the course of the interview he expressed regret for some of his official acts in this Territory. The Ex-Governor solicited the Ex-Delegate's influence at Washington in behalf of a relative who was seeking a Federal appointment. The desired influence was not withheld.

Lieutenant Young's Application.—About the time that Ex-Governor Murray applied for admission to the Utah Bar, a similar application was made to the Supreme Court of the Territory by Lieutenant Richard W. Young, U. S. A., who was then stationed at Fort Douglas. Prompt action was taken in Murray's case, but not in Young's, although he presented to the Judges his certificate as a practicing attorney in the highest courts of the State of New York. Much to his surprise, he was required to undergo a special examination, the obvious reason being his membership in the "Mormon" Church. While perfectly eligible for admission, Lieutenant Young was not willing to submit to a religious test of his qualifications, and so pressed the matter no further at that time. Subsequently, under more favorable conditions, he again applied for admission, and was accepted as a practitioner in the Utah courts.

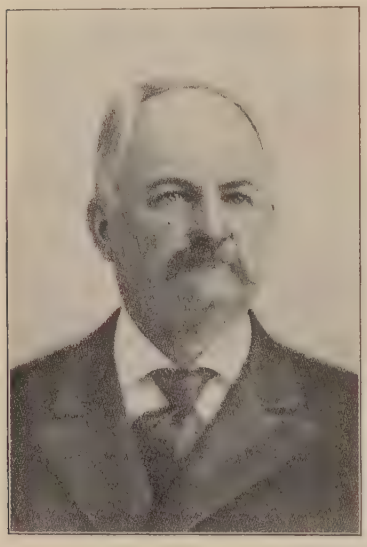
General McCook Transferred.—Governor Murray's removal was followed by the transfer of General McCook to Fort Leavenworth, where he was placed in charge of the Military School of Application. McCook and Murray were intimate friends, and the post commander was thought to be more or less in sympathy with the Executive in some of his ultra official acts. The transfer, viewed by the General's friends as a compliment, was regarded by most of the citizens as a reproof for the part played by him in those sensational proceedings.

Other Changes.—Sundry changes followed in the civic list of the Territory. Marshal Ireland was permitted to serve out his term, and was then succeeded by Marshal Dyer, as previously mentioned. Dyer was a native of Mississippi, but at the time of his appointment a resident of Park City, Utah, where he had an ore-hauling contract for some of the big mines in that vicinity. Judge Powers, whose appointment had met with strong opposition from the State of Michigan, and whose name, after being submitted to the Senate, had been withdrawn by the President, retired from the service of the Government in August, 1886. His successor was Henry P. Henderson, from the same State. Judges Powers and Henderson became permanent residents of Salt Lake City, and they, as well as Marshal Dyer and Judge Zane, were destined to end their days here.

Governor West.—Caleb W. West was the next Governor of Utah. Like his predecessor, he was from Kentucky, but unlike Murray was a Democrat, and had fought upon the Confederate side during the Civil War. In his native State he

held the position of County Judge when the appointment came that brought him to this Territory. It had long been his desire to govern one of the Western dependencies, and the ambition was encouraged by his friend, Mr. Carlisle, Speaker of the national House of Representatives. Accordingly the matter was presented to President Cleveland, and as soon as he had decided to remove Murray, West was singled out as his successor.

A General Welcome.—Governor West arrived at Salt Lake City on the 5th of May, 1886, and was welcomed by all classes of citizens; "Mormon" and "Gentile" delegations meeting him at Ogden, and escorting him to the capital. In the evening, from the balcony of the Walker House, he addressed the multitude, expressing good will toward all the people of the Territory, and a determination to perform his duty faithfully and fearlessly.

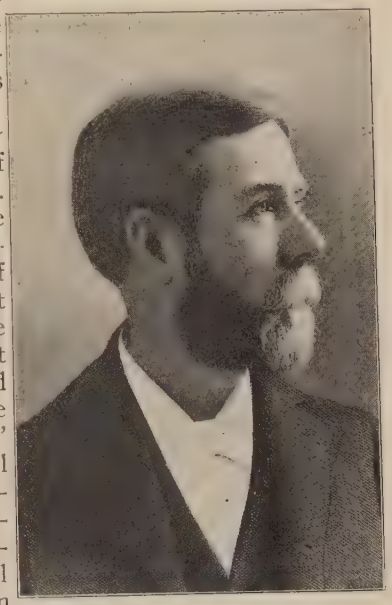


GOVERNOR WEST

An Offer of Amnesty.—The first official act of the new Executive was in keeping with these fair-spoken utterances, and with the policy of conciliation that he had evidently decided to pursue. Visiting the Penitentiary, he conversed with the imprisoned Apostle, Lorenzo Snow, and others held there for like cause, pleading with them in an earnest manner, and offering amnesty to all who would promise to obey the anti-polygamy laws as interpreted by the Federal Courts. That special class of prisoners then numbered forty-nine. While impressed with the Governor's well-meant offer, they informed him that his proposition involved the sacrifice of a religious conviction, and they could not conscientiously give the required promise. Moreover, they intimated that even in the absence of conscientious scruples it would be exceedingly difficult to do as he desired, owing to the many and ever changing interpretations put upon those laws by the aforesaid courts.

The Snow Case at Washington.—The Governor had two interviews with the Apostle, and between them, on the 10th of May, came a decision from the Supreme Court of the

United States, temporarily disposing of the Snow case. In the proceedings that went before, the Government had been represented by Assistant Attorney General William A. Maury, and the appellant by Franklin S. Richards, of Salt Lake City, and George Ticknor Curtis, of Boston. During the progress of the arguments Mr. Maury was asked by the Court what polygamists ought to do respecting their plural wives. Instead of answering the question, he became excited and exclaimed: "It would have been infinitely better if these people, years ago, had been put to the sword." Mr. Curtis protested against the "atrocious suggestion," and Mr. Richards made effective use of it in the following splendid passages of his final address:



FRANKLIN S. RICHARDS

"We have witnessed today a most startling illustration of the power of popular clamor. Does any one believe that the learned counsel for the Government could, in the discussion of any other subject, so far forget the dignity due this honorable presence as to suggest that 'it would have been better had these people been put to the sword in the first instance?' What an expression to fall from the lips of the legal representative of the greatest government on earth, with reference to some of its most loyal citizens—and uttered too, in this temple of justice, where reason reigns, and where the clamor of the multitude must not enter. Such things have been spoken before, in the dark ages that are past and gone forever, but never in this nineteenth century has a more cruel and inhuman thing than this been said. I need not answer it, because your honors will not consider it. This nation needs no more chapters written in blood and tears."

"When counsel tells us that 'this thing must be stamped out,' what does he mean? Certainly not polygamy, for there is no such charge in these cases. Nor can he mean living in the practice of polygamy, for the records in these cases show conclusively that there was no actual cohabitation with more than one woman. There remains then, simply the religious

belief of Mr. Snow and his wives that their marriage relations are eternal, and it must be that belief which is to be stamped out. Can it be possible that the lessons which history teaches upon this subject have been lost to us? Who ever heard of a man's convictions being legislated away, or his belief removed by persecution and oppression?

"In conclusion I can but ask your honors for a reversal of the judgments in these cases, and for a just and humane construction of this statute in its application to them, that the people who are affected by the law may know its requirements and be able to avoid its penalties." "I now submit the cases in the fervent hope that you will fully and mercifully answer the question, which has been so frequently propounded by the Court during this discussion, 'What must these people do?'"

Dismissed for Want of Jurisdiction.—The Supreme Bench was not prepared to answer the question. Instead, the Court, after some deliberation, decided that it had no jurisdiction in the case, and accordingly dismissed it. In order to be consistent, it recalled its mandate in the Cannon case, and dismissed that also upon the same grounds.

Governor's Proclamation and Report.—Governor West, on the 16th of July, issued a proclamation warning the "Mormons" and all who intended to become "Mormons" against violating the anti-polygamy laws. Three months later he sent his first report to the Secretary of the Interior. Therein he gave the number of Utah convictions under the Edmunds Law as ninety-three—six of them for polygamy, and eighty-seven for unlawful cohabitation. Most of these were from Salt Lake, Weber, Beaver, and Tooele counties, and all from eight of the twenty-four counties of the Territory. Only seven persons had given the promise to obey. The report made reference to the Penitentiary, the good health of whose inmates, "under crowded and unfavorable conditions," spoke well "for its conduct and management;" and also referred to the Industrial Home, an institution for the founding of which the previous Congress had appropriated the sum of forty thousand dollars. There was no armed resistance to authority in Utah, but much bitterness and division existed between "Mormons" and "Gentiles." There being no organized militia in the Territory, the Governor recommended, as a precautionary measure, that troops of the regular army be made available to the civil authorities in the event of a violent outbreak. Certain reforms in the United States Marshal's Office were advised; all fees should be turned into the Territorial Treasury, and the Marshal paid a fixed salary of not less than five thousand dollars a year. The Marshal and his deputies ought to be men

of the best character and qualities. The Governor also favored further anti-polygamy legislation.

The Industrial Home.—The Industrial Home, mentioned in the Governor's report, owed its existence, primarily, to the zealous efforts of Mrs. Angie F. Newman, of Lincoln, Nebraska, a worthy, well-intentioned woman, but one easily imposed upon and grossly misinformed respecting affairs in Utah. This lady, when she originated her philanthropic plan, had in view the shelter and employment of women and children who, it was supposed, would desert or be cast off by their husbands and fathers, in consequence of the anti-polygamy crusade. But the "Home" proved a failure. It was a needless institution, so far as "Mormon" wives and children were concerned. The structure, which was erected on Fifth East Street, Salt Lake City, after its uselessness as a place of refuge had been demonstrated, was utilized for a time as an office building by the Utah Commission, and subsequently turned into a hotel.*

The Loyal League.—Toward the close of 1886 there arose in Utah an organization known as "The Loyal League," having its headquarters at Salt Lake City, with branches in various towns and settlements. It succeeded "The Gentile League of Utah," which had passed out of existence. The objects of the new League, as set forth in its constitution, were "to combine the loyal people of Utah, male and female, irrespective of politics, in opposition to the political rule and law-defying practices of the so-called Mormon Church; to oppose the admission of Utah into the Union until she has the substance as well as the form of republican government," and "to raise money to maintain agents in Washington or elsewhere to labor for these ends." The League had its greatest popularity in the mining camps, where, however, the practical working of its policy had the effect of alienating some adherents of the

*The promoters of "The Industrial Christian Home of Utah" made strenuous efforts to prevent the threatened collapse of that superfluous institution. Congress was asked for a supplemental appropriation of eighty thousand dollars, and in order to induce favorable action upon the petition, certain statements were made at Washington and published in the Congressional Record under date of October 3, 1888. To show the undesirability of the Utah Penitentiary as a place of detention for women, and incidentally the need of the "Home," it was reported, among other things, that in one of the cells of the Penitentiary "were two girls, one fourteen and one sixteen, who were married to their own father, both with babes." "This is wholly incorrect," said Marshal Dyer in a letter used by Delegate Caine, while refuting the slanderous allegation on the floor of the House of Representatives, "and I cannot understand how anybody could have been so misled. Somebody must have made malicious misrepresentations to Mrs. Newman on this subject, as we have never had any girls of this age confined in the Penitentiary since I have been Marshal."

Liberal Party. One of these was Jesse Knight, the present-day mining magnate, who became from that time a staunch supporter of the People's Party.

League Influence at Washington.—The Loyal League sent as its agents to the seat of Government Charles W. Bennett and Robert N. Baskin, both prominent members of the Utah Bar. They found a willing co-worker in Miss Kate Field, whose sensational lecture, "The Mormon Monster," was delivered there about the time of the opening of Congress. Another female ally of the League's agents was Caroline Owen Miles, who had left Utah several years before and secured a clerkship in one of the Departments at Washington.

JESSE KNIGHT

A Good Fighting Chance.—In dismissing the Snow and Cannon cases, the Court of Last Resort had blocked the way toward a final settlement of the momentous issues that had arisen in connection therewith. It had also tied this class of defendants hand and foot and delivered them over to the Utah courts, from whose rulings, however severe, there now seemed no chance of appeal. But Lorenzo Snow had an able attorney and a faithful friend in Franklin S. Richards, the leading counsel for the "Mormon" people in most of the important cases arising in Utah during that period. Mr. Richards was untiring in his efforts to find a way out of the difficulties encompassing his distressed co-religionists. Eventually his resourceful mind hit upon a plan which he thought afforded "a good fighting chance." When the Snow case was taken to Washington, the question mostly pressed was not "segregation," but "constructive cohabitation," involving the identity of the legal wife and the defendant's assumed intimacy with her. Mr. Richards now decided to isolate the "segregation' issue, make it the basis of action, and institute proceedings in behalf of his client on the ground of unlawful detention. Such a plea, however, could only be made to apply to that portion of the Apostle's sentence of imprisonment over and above the first six months, the legal term for unlawful cohabitation. The attorney waited,

therefore, for the six months to expire, before applying for the necessary writ of habeas corpus.

Judge Zane denied the writ, and an appeal was then taken to the Supreme Court of the United States. That tribunal heard the case in January, 1887; Richards and Curtis appearing for the appellant, and Mr. Maury for the Government. The Assistant Attorney General contended that the three judgments pronounced upon Lorenzo Snow were for three distinct offenses, and that he had been fined and imprisoned accordingly. This being the case, the plea of unlawful detention did not apply. In answer to that argument, it was claimed that three separate sentences had been imposed for one offense, unlawful cohabitation, maintained continuously from the first of January, 1883, to the last of December, 1885. There was no evidence that it had been interrupted in any manner whatever between the dates given, and the prosecution could not sit idly by for years, and then swoop down upon the unsuspecting citizen, piling on indictments by a process which, if tolerated, could be made to place him in prison for life and absorb a fabulous sum in fines. There must be an interruption in the relationship of cohabitation, as construed by the courts, before two or more indictments could be found at one time for a past offense. This act, being continuous, was but one offense, and the judgments as to the second and third penalties were therefore void.*

Segregation Shattered.—The Court was now ready to face the issue and right the wrong. It reached a decision on the 7th of February. Assuming jurisdiction of the case, it held that the cohabitation for which the appellant had been convicted was one continuous offense, extending over the entire period covered by the three indictments. This ruling shattered the doctrine of segregation, and put a stop to the practice. Lorenzo Snow, an order for whose release was telegraphed from Washington, left the Penitentiary soon after the decision was rendered. Six others imprisoned under the segregating process likewise regained their liberty.

*A number of English and American cases were cited, bearing with singular analogy upon the case under consideration. In one it had been held that the felonious taking of coal from a mine, day after day, for a period covering four years, was but a single offense, for the reason that there had been no cessation, and the taking was in all respects continuous. In another case a man had attached a fraudulent pipe to a gas main, from which, for a protracted period, gas had been drawn during the day and turned off at night, and yet it was held to be only one offense. The Judge, in one instance had reasoned, that it would be as just to hold that every stitch taken by a tailor on the Lord's day constituted a new and distinct offense in Sabbath-breaking, as to hold that any act continuous in its nature could be so divided and multiplied.

"Ultra" Demands.—It has already been shown that the surrender of plural marriage was not the only concession required from the Latter-day Saints. The abandonment of their peculiar marriage system was a mere bagatelle in comparison with other issues of the local controversy. "We care nothing for your polygamy," many "Gentiles" were wont to say in private to their "Mormon" neighbors. "It's a good war cry, and serves to enlist sympathy for our cause; but what we most object to is your unity, your political and commercial solidarity, your obedience to spiritual leaders in temporal affairs. We want you to throw off the yoke and be free, as we are." The fact that they were dominated by rings, cliques, and combinations of their own, did not seem to enter into their philosophy.

"A Place in the Sun."—What these agitators really wanted was the passing of the reins of power from the hands of the priest to those of the politician. It was all right to be "bossed" politically, but all wrong to be influenced ecclesiastically—in temporal matters. The Liberal Party, still in the minority, was tired of looking on. It longed to experience the sensation of office-holding. It wanted "a place in the sun"—that was the core of the question. All the rest—allowing for the sincerity of some who really thought "Mormonism" a moral blight and a menace to free institutions—was mere fustian.

The agitation went on, its radical promoters charging murder, priestcraft, tyranny and treason. The "Mormons" were an ignorant and immoral community, steeped in disloyalty, wallowing in corruption and crime. Rebellion was rampant in Utah, and the "Gentiles" were in constant fear, trembling for their lives and the safety of their property. All of which was the veriest rubbish, and the "Gentiles" knew it as well as the "Mormons."

A Manifest Absurdity.—Persons influenced by these stories rarely stopped to consider their manifest absurdity. Such accusations virtually contradicted themselves. Had they been well founded, their authors would have been the first to feel the rigors of "Mormon' resentment and retaliation. That "Gentile" editor was right who wrote in after years concerning these people: "Their patience under the consistent hurling of missiles against them has been one of the matchless testimonies to the good temper, the moderation, the self-control of Utah's most worthy citizens. If they had been the sort of people described * * * they would have spoken with violence their protest against the slanders that pictured them as criminals by inheritance and traitors by choice."*

*The Herald-Republican, Salt Lake City, October 31, 1909.

Such charges as these had led to the enactment of the Edmunds Law; and their persistent reiteration, with the additional statement that this law had proved inadequate for the correction of the evil, induced Congress to supplement it with a statute even more severe.

The Edmunds-Tucker Law.—As early as December, 1882, Senator Edmunds had introduced into Congress a bill to amend the law bearing his name. This bill, which died almost at its birth, but experienced repeated resurrections, was finally enacted as the Edmunds-Tucker Law, so named for its principal promoters, Senator George F. Edmunds, of Vermont, and Representative John Randolph Tucker, of Virginia. It took five years to produce this statute; not because those friendly to it were idle or indifferent the while, but owing to a desire on the part of many Congressmen, some of whom believed the Edmunds Law had strained the Constitution, to allow the medicine already administered to do its work, before foisting upon the over-dosed patient another prescription.

The new law provided that in prosecutions for polygamy or unlawful cohabitation, the lawful husband or wife might testify as a witness. It had been proposed to compel them to testify, but an amendment prevailed modifying that section.

It was also provided that attachments might issue, without previous subpoena, compelling the immediate attendance of witnesses.

All marriages were to be of public record, containing the names of the contracting parties, the nature of the ceremony, and the name of the officer, priest, or person performing the same.

Adultery and other sexual offenses were made punishable, and local laws providing that prosecutions for adultery could be commenced only upon the complaint of husband or wife, were annulled.

The probate judges in Utah were to be appointed by the President of the United States.

It was made the duty of the Attorney-General to institute and prosecute proceedings to forfeit and escheat to the Federal Government property held in violation of the Anti-polygamy Law of 1862 and of Section 1890 of the Revised Statutes of the United States; and all such property was to be disposed of by the Secretary of the Interior, for the use and benefit of the common schools of Utah or of any other Territory in which it might be found. Places of worship and parsonages, with their appurtenant grounds, also cemeteries, were exempted from forfeiture; but all Church property in real estate was to be held by trustees nominated by their respec-

tive sects, societies, or congregations, and appointed by courts exercising probate powers.

The Church of Jesus Christ of Latter-day Saints was disincorporated, and the Attorney-General was empowered and directed to cause such proceedings to be taken in the Supreme Court of Utah as should be proper and necessary to wind up the affairs of the late corporation.

The Perpetual Emigrating Fund Company was dissolved, its property being escheated to the Government for the benefit of the common schools in Utah.

The office of Territorial Superintendent of District Schools was abolished, and the duties of that officer were placed upon a Commissioner of Schools, to be appointed by the Supreme Court of Utah. All sectarian instruction in the common schools was forbidden.

Female suffrage was abolished in Utah; likewise the Nauvoo Legion and the local militia laws.

The Territory was to be re-districted, and the Utah Commission continued in office.

As a condition precedent to voting, holding office, or serving on juries in this Territory, an oath, in addition to the usual obligation, was required of every male person, pledging obedience to the anti-polygamy laws, and promising not to teach, aid, or advise anything contrary thereto.

All persons convicted of polygamy or unlawful cohabitation were disfranchised, and illegitimate children, with certain exceptions, disinherited.

There were other provisions, but they were of minor importance. One of them abolished the secret ballot, which had already been done away with by the Utah Legislature.

In the Senate.—During the debate upon the bill out of which grew this Act of Congress, Senator Brown, of Georgia, declared that so far as the execution of the law was concerned, there was no need of this additional legislation. As matters then stood (January, 1886), it was only necessary to make out a prima facie case, and a very light one, in order to convict a "Mormon" polygamist. Jurors, before being accepted in the courts, were required to swear that they did not believe polygamy right. This alone would show that they were not impartial, but they were even asked by the United States Attorney if they were "in sympathy with the prosecution."

Senator Edmunds was greatly shocked by this statement of the Senator from Georgia. He did not believe that a juror in Utah had ever been asked by a District Attorney if he was "in sympathy with the prosecution." The Vermont statesman, if his incredulity was sincere, evidently had not read the District Court proceedings in the case of Angus M. Cannon.

Another strong opponent of the Edmunds-Tucker Bill was Senator Vest, of Missouri. "As a matter of course," said he, "this bill will become a law, but I cannot vote for it. I am well aware what the public sentiment of the country is, but that makes no sort of impression on me, with my convictions as a legislator; nor will any amount of criticism on my action. I cannot vote for this bill because in my judgment it violates the fundamental principles of the Constitution of the United States. * * * It is naked, simple, bold confiscation, and nothing else. * * * The whole spirit of this test-oath legislation is wrong; it is contrary to the principles and spirit of our Republican institutions; and whenever the time comes in the Territories or States of this Union that test oaths are necessary to preserve the public institutions, then Republicanism is at an end."

To Senator Edmunds, who declared that the Constitution itself incorporated test oaths, Senator Vest replied: "The President of the United States and each member of Congress swears to support the Constitution of the United States; but who ever heard before that that was a test oath?" "A test oath is one that tests the conscience as to a particular act or belief."

Senator Teller, of Colorado, also spoke against the pending measure, and incidentally paid a fine tribute to the patience and self-control of the people of Utah.

Before the Judiciary Committee.—During April and May of that year a number of Utah men appeared before the Judiciary Committee of the House, speaking for or against the measure then under consideration by Congress. One of these, Mr. F. S. Richards, referring to a certain feature of the proposed enactment, showed that already in Utah legal wives had been required to testify against their husbands, and that attachments had been issued for witnesses without previous subpoena; acts which Congress was now called upon to legalize.

Mr. Gibson, a Washington attorney, who was assisting Delegate Caine in his fight upon the bill, expressed the hope that Congress would make the provisions against adultery and fornication broad enough to cover everybody. Whereupon Representative Eden, a member of the Committee, inquired: "Does not Section Nineteen apply to everybody?" Gibson responded: "You would think an act of Congress that says 'any male person cohabiting with more than one woman' would apply to everybody, wouldn't you? But it has not been made to so apply. You know Congress enacts laws, and the courts construe them."

Judge Baskin, the Loyal League agent, wanted laws enacted that would strike at the foundation of the "Mormon" theocratic system. He was answered by Mr. Boutwell, an-

other Washington lawyer, who asked if Congress was prepared to strike down the Jewish organization or the Catholic Church, because they were "theocratic systems."

Honorable Jeff Chandler also opposed the bill, maintaining that the Government had no right to disestablish a church, or to confiscate the property of a corporation whose charter was repealed.

Judge Baskin contended that all the arguments advanced by the other side fell to the ground in the presence of the fact that the pending bill was designed to meet a peculiar state of affairs, which warranted unusual measures. In other words, "the end justified the means."

Neither Approved nor Vetoed.—The Edmunds-Tucker Bill, having passed through Congress, was sent to the President. He neither approved nor vetoed it, and ten days later, March 3, 1887, it became a law without his signature. Cleveland did not favor the measure, but feared that if he vetoed it a worse one would follow. "Tell your people," said he to Delegate Caine, "that the law shall not be harshly administered. While it is my duty to see it enforced, I promise that it shall be executed impartially and in the spirit of justice and humanity."

Changes in the Utah Commission.—In the personnel of the Utah Commission, several changes had taken place since the first organization. Mr. Carlton was now chairman, Governor Ramsey having resigned; and the latter had been succeeded as a member by General John A. McClernand, of Illinois. A. B. Williams, of Arkansas, had the place formerly held by James R. Pettigrew, deceased; and Arthur L. Thomas, of Utah, had succeeded A. S. Paddock, resigned. William C. Hall, a Salt Lake lawyer, was now Secretary of the Territory and ex-officio Secretary of the Board.

The Brigham City Election.—The Commisisoners took early steps to prepare for the local elections under the new statute. The first one was held at Brigham City on the 7th of March. Some hope had been entertained by the Liberals that their political opponents, bearing in mind the attitude of those who had refused in court to promise obedience, would decline to take the test oath, and so fail to register. But the hope was vain. The great majority of the "Mormon" men were monogamous in practice, standing upon quite another plane to that occupied by their polygamous brethren. This being the case, they saw no reason why they should not exercise their rights as citizens. A few "Mormons" and some "Gentiles" refused to be sworn, but eventually the whole male population eligible for enrollment registered. The women, having been disfranchised, made no effort to have their names placed upon

the registration books. The election result at Brigham was the usual victory for the People's Party.

The Territory Redistricted.—During May the Utah Commission, with the Governor and the Secretary, redistricted the Territory, creating twenty-four Representative and twelve Council districts. The August elections returned five Liberals to the Legislature. A large majority of the Territorial, county and precinct officers-elect were "Mormons," and of course monogamists.

Death of President Taylor.—Monday, July 25th, 1887, witnessed the passing of President John Taylor, the head of the "Mormon" Church, whose death occurred at the home of Thomas F. Roueche, in Kaysville, Davis County, Utah. The funeral services were held in the Tabernacle at Salt Lake City, on Friday the 29th, the interment being in the City Cemetery. President Taylor died in exile and was looked upon by the Latter-day Saints as a martyr to his religion.

Proceedings in Escheatment.—Proceedings now began for the confiscation of the "Mormon" Church property, pursuant to the provisions of the recent Act of Congress. For this purpose, on the 30th of July, at the instance of the United States Attorney-General, two suits were planted in the Supreme Court of Utah. The first was entitled: "The United States of America, plaintiff, versus the late Corporation of the Church of Jesus Christ of Latter-day Saints, John Taylor, late Trustee-in-Trust, and Wilford Woodruff, Lorenzo Snow, Erastus Snow, Franklin D. Richards, Brigham Young, Moses Thatcher, Francis M. Lyman, John Henry Smith, George Teasdale, Heber J. Grant, and John W. Taylor, late assistant trustees, defendants," The title of the second suit was, "The United States of America, plaintiff, versus The Perpetual Emigrating Fund Company, Albert Carrington, F. D. Richards, F. M. Lyman, H. S. Eldredge, Joseph F. Smith, Angus M. Cannon, Moses Thatcher, John R. Winder, Henry Dinwoodey, Robert T. Burton, A. O. Smoot, and H. B. Clawson, defendants."

The prosecution was conducted by United States Attorney George S. Peters, who had succeeded Mr. Dickson, the latter having been removed in April. Mr. Peters was from Ohio. He was assisted by William J. Clarke, and H. W. Hobson, the latter U. S. Attorney for Colorado. The defense was represented by Franklin S. Richards and Le Grande Young, of Salt Lake City; James O. Broadhead, of St. Louis; and Joseph E. McDonald, of Indianapolis. Colonel Broadhead and Ex-U. S. Senator McDonald were among the foremost lawyers of America. The Supreme Court of Utah then consisted of Chief Justice Zane, and Associate Justices Henderson and Boreman.

Statement of Facts.—Arguments in the confiscation suits began on the 17th of October. The first question discussed was the appointment of a Receiver, to take charge of the Church property during this litigation. A statement of facts showed that the Church, by three trustees, William B. Preston, Robert T. Burton, and John R. Winder (appointed by the Probate Court of Salt Lake County, pursuant to the provisions of the Edmunds-Tucker Law), held three pieces of real estate, namely, the Temple Block, the Tithing House and grounds, and the premises containing the Gardo House and the Historian's Office. It was also shown that personal property, valued at $268,982.39½, had been held by the late President Taylor, in trust for the Latter-day Saints in the various Stakes of Zion, but had been conveyed to them in their corporate capacity, as Church Associations of those Stakes, about two months before the appointment of the three Trustees.

Broadhead's Brilliant Plea.—Colonel Broadhead, in a masterly plea, attacked the constitutionality of the Edmunds-Tucker Law, denying the right of Congress to dissolve a church corporation and confiscate its property. He also opposed the appointment of a Receiver. The property was in safe hands, and the Court was not authorized to remove it. Congress could not rightfully deprive a person of property without due process of law. A mob might take a man and hang him, but that was not due process of law; it was the power exercised by the grizzly bear in the mountains, when it seized its prey. The defendants claimed the protection of the Constitution, to stop the spoliation of their property by the oppressive and arbitrary Act of Congress.

Hobson for the Government.—Mr. Hobson, in the course of an able reply, contended that the Court was vested with absolute right to administer on the Church property under the Act of Congress. What were called the "vested rights" of the Church were only "squatter rights." The escheated property was liable to be destroyed, and the appointment of a Receiver was therefore proper and necessary.

McDonald's Argument.—Ex-Senator McDonald disputed the proposition that the power of Congress was absolute. The act incorporating the Church was a charter, and had become a vested right. The decree of dissolution was a judicial act, such as Congress, a legislative body, had no right to perform. Of the three pieces of real property owned by the Church, two, the Temple Block and the Tithing House grounds, had been occupied long before 1862, while the Gardo House and the Historian's Office grounds, acquired since, were a parsonage, and as such legally exempt from forfeiture. All this property was in the hands of Trustees appointed under the

provisions of the Edmunds-Tucker Law. The personal property distributed to the Stakes did not belong to the Church, but had been held in trust. If a Receiver could be appointed to take into custody property so held, there was no right of an American citizen that was not subject to invasion.

Reply of Attorney Peters.—United States Attorney Peters considered the present proceeding one to administer upon the estate of a dissolved corporation. He did not think the question of the validity of the law could properly come up at this time. The Church had no vested right to the real estate, and the transfer of the personal property was fradulent. There was a disposition to scatter the property, and a Receiver should be appointed to take charge of it.

The Plaintiff the Receiver.—The Court, on the 5th of November, unanimously granted the motion for the appointment of a Receiver. The person chosen for this important position was United States Marshal Dyer. The selection, while agreeable to counsel on both sides, was exceedingly distasteful to Judge Zane, who dissented from the majority of the Court in making the appointment. His objection harmonized with a critical view expressed by The New York Sun, to the effect that the Court, in selecting the United States Marshal, had virtually made the plaintiff the receiver. Dyer's bond was fixed at three hundred thousand dollars. He was instructed to take possession of the Church property, real and personal, and manage and control it. The defendants were ordered to deliver to him all assets, property, and effects of every description, belonging to the late corporation.

BISHOP WINDER.

Church Property Seized.—The first piece of property seized under this order of the Court was the Tithing Office, which was turned over on demand by John R. Winder, one of the Presiding Bishopric. An officer was placed in charge, with the understanding that business would continue as usual

without interruption, until further notice. Next, the Gardo House and the Historian's Office were taken, and even the Temple Block was demanded. The Church was required to pay for the use of the Tithing Office and Historian's Office, a yearly rental of $2400; and for the Gardo House, $450 a month; also a nominal rental for the use of Temple Block.

The property of the Perpetual Emigrating Fund Company likewise passed into the hands of the Receiver. It amounted to about half a million dollars, but was mostly in promissory notes, uncollectable and of no value. Later the President's office was seized; the clerks being dismissed, and two deputy marshals put in charge. These summary proceedings followed a refusal to turn over to the Receiver's attorney, P. L. Williams, certain books which one of the clerks, David McKenzie, claimed did not belong to the Church corporation. The books were carried off, and other seizures made. Work upon the uncompleted Salt Lake Temple ceased, all the laborers being discharged.

BISHOP PRESTON.

Trustees Made Defendants.—William B. Preston, Robert T. Burton, and John R. Winder, the Presiding Bishopric of the Church, and now trustees of its property, were made parties to the main suit, and a number of smaller suits were instituted by the Receiver against various persons holding property that had belonged to the Church. E. T. Sprague was appointed Examiner, to take testimony in these cases. Subsequently, in order to stop litigation over minor issues and expedite the settlement of the entire question, it was agreed that the smaller suits should be dismissed, and the properties in dispute turned over to the Receiver, pending final adjudication.

Estimated Values.—In July 1887 it was estimated that property valued at about eight hundred thousand dollars, exclusive of Temple Block, upon which no valuation was placed, had been seized under the order of the Supreme Court. This

property, in addition to the real estate already described, consisted of farms, coal mines, cattle, sheep, gas stock and dividends, Deseret Telegraph stock, and notes signed by various persons for stock in the Salt Lake Theatre. At the conclusion of arrangements Receiver Dyer and U. S. Attorney Peters set out for Washington, to confer with leading national authorities, and have the agreement for the temporary surrender of the property ratified by the Attorney General.

XXXI.

RIFTS IN THE CLOUD.

1887-1889.

Pardoned by the President.—During the year 1887 President Cleveland pardoned several of the imprisoned polygamists, including Joseph H. Evans, of Salt Lake City, a man nearly seventy years of age. Concerning this object of his clemency, the President said: "I am determined that the hardship of his case shall not be cited to show that the Government is inclined to be vindictive in its attempts to extirpate the practice of polygamy." Another of the pardoned was Rudger Clawson, whose devoted mother visited Washington and made a personal appeal to the President in her son's behalf. Charles Livingston, former Street Supervisor at the Utah capital, received amnesty upon the request of some of his non-"Mormon" friends; Mr. Isadore Morris, a Hebrew merchant, taking the initiative. The editor of the Salt Lake Tribune was among those who signed the petition for a pardon in this case.

Better Days at Hand.—From that time forward it was evident that a more moderate policy would prevail. Through rifts in the still threatening cloud, glimpses of clear sky were visible. Changes were at hand betokening a happier era, and on both sides of the social chasm a more kindly feeling was manifest. These modified conditions did not promise any change of attitude on the part of the Government toward the practice of plural marriage; but they indicated a cessation of harsh and illegal methods of dealing with polygamous offenders. There was a general sentiment of reaction, largely springing from charitable impulses. Some of the "Ultras," however, still favored "heroic treatment" as the most effective means of accomplishing the end sought, and these continued to work for more stringent Congressional legislation.

Affairs in Idaho.—In Idaho the crusade had been carried on vindictively. Those who engineered the "Anti-Mormon" movement in that Territory boasted that their juries would convict "Mormons" whether innocent or guilty. The U. S. Marshal, who afterwards became Delegate in Congress and subsequently a United States Senator, affirmed that he had "a jury that would convict Jesus Christ;" and no one disputed, or had any reason to dispute, the profane declaration. But now there was a growing sentiment of moderation. John W.

Taylor, a "Mormon" Apostle, at a public meeting in Oxford had criticized the disfranchisement test oath and advised all monogamous "Mormons" to vote at the Delegate election. These utterances were construed as "inciting to lawlessness," and Elder Taylor was indicted upon that ground. The case, however, did not come to trial, being dismissed in May, 1887. Elder Parkinson, previously mentioned as having been sentenced to a year's imprisonment at Boise, had served out the greater part of his term when he was pardoned by President Cleveland, upon the recommendation of James H. Hawley, the attorney who had prosecuted him, and who afterwards became Governor of Idaho.*

Matters in Arizona.—Still more pronounced was the modification of the "Anti-Mormon" feeling in Arizona. In October, 1886, at the instance of Delegate C. C. Bean and other influential citizens, the imprisoned Elders Tenney, Christofferson, and Kempe received pardon; and this act of clemency on the part of the Chief Magistrate was emulated by the Governor and Legislature of the Territory when, in January, 1887, they wiped the hateful test oath legislation from their statute book.

Business Versus Politics.—The turn of the tide in Utah was owing in large part to an action taken by conservative "Gentile" business men, who, weary of the wrangling of the politicians, determined to put a stop to the strife that was paralyzing trade and driving away prosperity. They came forward with a plan which they hoped would end the baneful agitation. Governor West led out in this movement, the purpose of which was to revive commerce, encourage home industries, attract outside capital and population, and if possible bring together the discordant social elements and weld them into a harmonious homogeneous force, working for the welfare and progress of the Territory.

The Chamber of Commerce.—The result was the Salt Lake Chamber of Commerce, organized in May, 1887; its founders being "Gentile" and "Mormon" merchants, manufacturers, financiers, and other men of affairs. At first a suspicion that the advancement of the Liberal Party was the object in view caused business men of the opposite political affiliation to hold aloof from the organization; but when it became apparent that politics and religion were actually excluded from the Chamber, they rallied to its support, and were among its firmest and most substantial pillars. That it would help to allay ill feeling, and pave the way to a better understanding

*According to Elder Parkinson, the pardon, which had been entrusted to the Idaho Delegate, through some mischance did not arrive until after the expiration of the term of imprisonment.

between "Mormons" and "Gentiles," was the hope and expectation on either side.

The Exposition Car.—Early in 1888 the Chamber of Commerce conceived an effective plan for advertising Utah through the United States. A fund having been raised among business men and other citizens, a car lent by the Union Pacific Railroad Company was fitted up with a splendid exhibit of native products and home manufactures, and sent touring through the principal cities of the East. The car and the exhibit were in charge of Mr. H. L. A. Culmer, artist, and at that time editor of the Salt Lake Journal of Commerce, the official organ of the Chamber. The Exposition Car left Utah on the 6th of June, and in three months traveled about nine thousand miles. It opened in sixty cities, and was visited by nearly two hundred thousand people. Many tons of printed matter were distributed, and reliable information upon Western affairs spread far and wide. The cost of the enterprise was a little over three thousand dollars. Besides correcting many false notions respecting Utah, the advertising did much to increase the population of the Territory within the next few years.

"HARRY" CULMER.

Constitutional Convention of 1887.—The pacific influence wielded by the Chamber of Commerce brought about joint celebrations of Independence Day both in 1887 and 1888; but the "Gentiles" were not quite ready to join with the "Mormons" in an effort to secure Statehood. The Liberals having declined to take part, a Constitutional Convention elected by members of the People's Party assembled at Salt Lake City on the last day of June, 1887, and took the necessary steps toward applying for Utah's admission into the Union. The Convention was remarkable for the fact that it proposed to insert in the State Constitution an article prohibiting and punishing polygamy. Out of the sixty-nine delegates, John T. Caine was chosen chairman. The test oath prescribed by the Edmunds-Tucker Law was taken by the officers and mem-

bers. A State Constitution was prepared, submitted to the people, ratified by an overwhelming vote, and sent to Washington.

Opposition to Statehood.—The Utah Commission, or a majority of that body, in its next official report, characterized this movement for Statehood as an attempt to free the "Mormon" Church from the toils which the firm attitude of the Government and the energetic course of the Federal officers had thrown around it. It was represented that no concessions had been made as to polygamy, and that men were still reported as entering into the practice. Further radical legislation against the "Mormons" was recommended.

Dissenting Expressions.—Commissioners Carlton and McClernand refused to sign the report, giving their reasons in a separate communication to the Secretary of the Interior. "Now," said they, "while the great mass of the Mormon people are making an effort for the abandonment of the practice of polygamy, we are asked to recommend further legislation of a hostile and an aggressive character, almost if not entirely destructive of local self-government, thereby inflicting punishment on the innocent as well as the guilty. Our answer is, we cannot do so; we decline to advise Congress to inflict punishment by disfranchising any portion of the people of Utah on account of their religious or irreligious opinions."

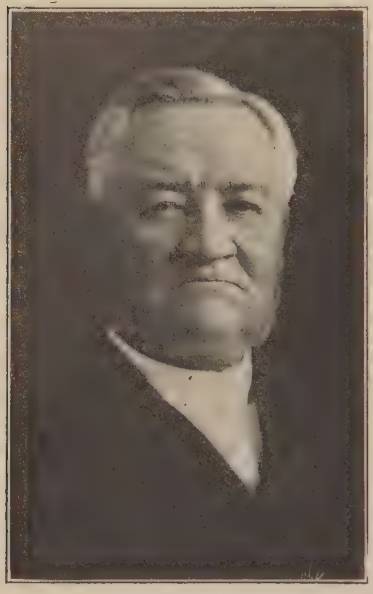
Chief Justice Zane, Surveyor General Bowman, Hadley D. Johnson, and other prominent "Gentiles" agreed with the minority of the Commission, that the existing laws against polygamy, diligently and strictly enforced, might reasonably be relied upon to work a cessation of the practice. Judge Zane declared that since the date of the Edmunds-Tucker Act no case of new polygamy had come under his notice.

Liberals in the Legislature.—The Territorial Legislature convening early in January, 1888, had five Liberal members, namely, Thomas Marshall, John M. Young, Enos D. Hoge, of Salt Lake City; D. C. McLaughlin, of Park City; and Clarence E. Allen, of Bingham. Marshall and Young were in the Council, and their colleagues in the House. With the exception of Mr. McLaughlin, who had sat in the previous Legislature, these were the first Liberals numbered among the law-makers of Utah.

A New Marriage Law.—A new marriage law was enacted, prohibiting polygamy and requiring public records of all marriages to be kept in the offices of the County Clerks. The authority to solemnize marriages was restricted to civil magistrates and to ministers and priests of religious denominations. These were to officiate only upon the presentation to them of licenses issued by the County Clerks to the contracting parties.

This law, the bill for which was presented by Judge Hoge, was a virtual re-enactment of similar provisions in the Edmunds and Edmunds-Tucker statutes.

Reform School and Agricultural College.—Among the bills passed by the Assembly and approved by the Governor, was one providing for the establishment of the Territorial Reform School (now State Industrial School), and another for the founding of the Agricultural College; the former at Ogden, the latter at Logan. Both measures were framed and presented by Honorable Anthon H. Lund, of Sanpete County. To establish these institutions and support others, such as the University of Deseret and the Asylum for the Insane (the latter opened at Provo in 1885), Utah assumed her first bonded indebtedness—one hundred and fifty thousand dollars. A third of this sum was appropriated to the University, and forty-five thousand dollars toward the improvement of Capitol Hill and the Tenth Ward Square, both of which properties had just been bestowed upon the Territory by the Corporation of Salt Lake City.



ANTHON H. LUND.

A Fusion Movement.—At the approach of the Salt Lake City election in 1888, the leaders of the People's Party decided to tender to the Liberals four places upon the majority ticket that was about to be put in nomination. The motive behind the act was stated as follows in a resolution unanimously adopted by the People's Municipal Convention: "We desire to recognize the fact that our political opponents, though forming but a minority of the voting population, contribute to the public revenue by the payment of taxes, and include within their numbers many citizens who are permanent residents of this City and Territory, and that they should therefore be accorded fair representation in the management of public affairs." The proposed fusion, though distasteful to some of the "Anti-Mormons," was accepted by a number of their prominent men and sanctioned by a two-thirds vote of the Chamber of Commerce.

Governor West heartily favored the fusion movement, as did the editor of the Tribune and other stalwarts of the Liberal Party. At a meeting called to consider the proposition, the Governor dwelt upon the necessity for a course of action that would give confidence to capital and attract settlers. He expressed the opinion that new population rather than laws of Congress would work the desired changes in Utah. Judge Goodwin remarked that it looked to him "like the dawn of a brighter day," and while some might regard the fusion as a political trick, still the Liberals had nothing to lose, and might gain much, by accepting the offer that had come from the other side. The anti-fusionists took the ground that the People's Party was seeking affiliation with its opponents in order to prolong its own life, and they were unwilling to give it "one additional breath." The "unholy alliance" was denounced, and the Liberals were urged to poll their full strength for the straight "Gentile" ticket.

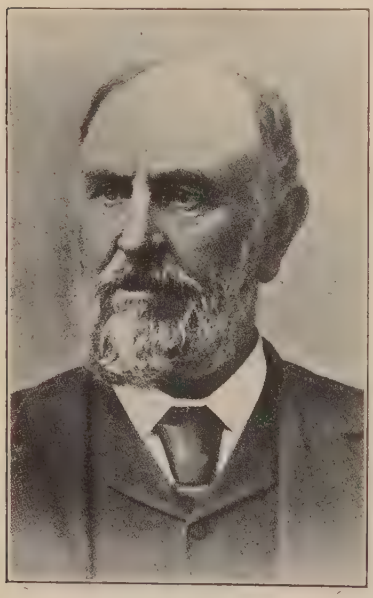
WILLIAM S. MCCORNICK.

At the election, on the 13th of February, the fusionists were victorious by a majority of eight hundred and sixty; the total vote being 2,714. The four Liberals elected were William S. McCornick, John E. Dooly, M. B. Sowles, and Bolivar Roberts. The first two were in the banking business; the others followed mercantile pursuits. Mr. McCornick was President of the Salt Lake Chamber of Commerce. He was elected Alderman, and his three colleagues Councilors, in the City Government.

More Land Jumping.—While the election was in progress, an audacious attempt was made to seize upon some of the public lands belonging to Salt Lake City—lands entered under the Congressional Townsite Act, and including those for which the Government patent had been issued in 1872. The Legislature, under authority conferred by Congress, had decided that the old settlers were entitled to the lands they occupied, upon payment of original costs, with expense of survey; the unocupied lands within the municipal limits to be held in

trust by the Mayor, for the common use and benefit of the citizens. The City Authorities having failed to dispose of these lands, certain speculators thought they saw an opportunity to enrich themselves at the public expense. It was a revival of the old land-jumping spirit that had troubled Utah in earlier times, notably the decade of the sixties.

The person most prominent in this fresh attempt to despoil the City of its parks and other properties, was a Colorado real estate dealer, who had been attracted to Utah by "The Boom," as the period of prosperity was termed that was beginning to be felt as the result of the labors of the Salt Lake Chamber of Commerce. Another would-be posessor of the public lands was a young man who had figured in the local courts as a stenographer. The Coloradoan took possession of about thirty acres on Arsenal Hill, including the present Capitol Hill grounds; while the stenographer contented himself with the Tenth Ward Square, a choice piece of realty in the very heart of the town, comprising ten acres, originally designed for a park. During two days men were at work surveying tracts from Arsenal Hill northeastward, and to the vicinity of Ensign Peak, fencing the land with posts and wires. City Marshal Alfred Solomon warned them to desist, but they continued putting up tents and building shanties, until a small settlement seemed to have sprung up on the brow of the hill overlooking Salt Lake Valley.

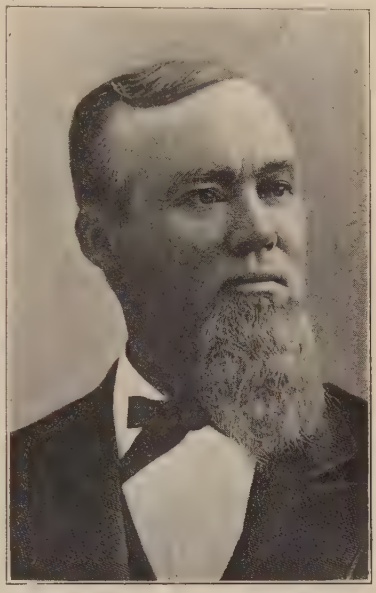


BOLIVAR ROBERTS.

Trespassers Ousted.—The City Authorities took the matter coolly, thinking at first no additional immediate action on their part necessary. Afterwards, however, they decided to eject the land-jumpers, thus depriving them of any advantage that might accrue from actual possession of the property when the case came into court. Some of the attorneys consulted did not favor this summary action, but Mr. Joseph L. Rawlins strongly urged it. His advice was taken, and the City Council

authorized the Mayor, Francis Armstrong, to carry it into effect.

Accordingly, on the morning of February 16th, Mayor Armstrong, with a posse of sixty men, regular and special police, proceeded to the camps on Arsenal Hill, and ordered the trespassers to vacate the lands forthwith. They demurred, and were then ousted by force, their shanties, tents and fences being demolished. Leaving some of his posse to watch the hill, the Mayor sent twenty officers to the Tenth Ward Square, where a notice had been posted, reading: "This Land For Sale—Inquire Within". Two men who were plowing beat a hasty retreat on catching sight of the police, who tore down the notice, dropped the plow outside the field, and set a guard upon the grounds. Washington Square was seized about the same time, and Liberty Park and other properties were threatened. But the ejectment proceedings put a stop to further land-jumping.



MAYOR ARMSTRONG.

Law and Order Sustained.—Mayor Armstrong and his associates were arrested, charged with committing "a trespass." They had a hearing before United States Commissioner A. G. Norrell, who decided that they were not guilty. Subsequently Chief Justice Zane rendered a decision on the rightful ownership of the unsettled lands. He ruled in favor of the City, but held that those lands should be disposed of, as contemplated by the Legislature. Failure on the part of the municipal authorities to act promptly, however, did not justify individuals in seizing upon the public property.

Gift and Sale of Lands.—Judge Zane's decision gave general satisfaction. On the day that it was rendered, February 28, 1888, the Mayor and City Council conveyed as a gift to the Territory of Utah that portion of Arsenal Hill now called Capitol Hill, as a site for future State Buildings; also the Tenth Ward Square, with the understanding that it was to be used for permanent Fair Grounds. Most of the City's unoc-

cupied lands were sold at auction during the next two years, and the proceeds turned into the public treasury.*

New Federal Judges.—Toward the close of 1888, Utah was given a new Chief Justice in the person of Elliot Sandford, of New York; and at the same time a fourth magistrate, John W. Judd, of Tennessee, was added to the Supreme Bench of the Territory. The recently appointed magistrates arrived at Salt Lake City in August of that year.

Concerning Chief Justice Zane.—Commenting upon the retiring Chief Justice, whose term expired in September, the Deseret News expressed itself thus: "There have been many things in Judge Zane's administration which have been for the best interests of society here, and for which we think he should and will receive due credit." "Apart from what we view as his anti-'Mormon' animus, Judge Zane has been one of the very best judges who has sat upon the bench in Utah." "He has usually exhibited the characteristics and qualities of a learned lawyer and an upright jurist. He has sustained the cause of law and order and the rights of the people, their municipal authorities, their school laws, and their city ordinances." "We entertain for him no ill will. We understand he intends to remain here and practice law. We hope he will achieve the success that his talents demand, and that he will find, in his experience among the 'Mormon' people, that they are not vindictive or revengeful, but ever ready to recognize merit and sincerely disposed to return good for evil."

Forfeiture and Appeal.—During October the confiscation suits were again before the Supreme Court of the Territory. A petition was presented from the Church Trustees, Bishops Preston, Burton, and Winder, asking that the Temple Block,

*That portion of Arsenal Hill now occupied by the Utah State Capitol, was the scene, in 1876, of a terrific explosion, which shook Salt Lake City to its foundations. It was late in the afternoon of April 5th when the explosion occurred, three heavy detonations, startling in their suddenness and almost deafening in sound, spreading dismay and confusion on every hand. Several minutes passed before the cause was divined, and meanwhile suspense made the terror tenfold, men, women and children running hither and thither, excited, alarmed and hysterical. Walls were blown down, roofs torn off, doors and shutters flung from their fastenings, and window glass shattered and strewn broadcast. Presently the solution came. A huge cloud of smoke hovering over Arsenal Hill told the story. At a point near the present State Capitol three small stone houses, owned by mercantile firms and used for the storage of powder, had blown up, the falling debris pelting the hillsides and various parts of the town. Several persons were killed and others wounded. The cause of the catastrophe was never fully explained. It was supposed, however, that some boys, known to have been shooting in that neighborhood, had used the iron door of one of the magazines for a target, and were the first victims of the explosion that followed.

Tithing Office, Gardo House, and Historian's Office properties be exempted from forfeiture. This petition was denied, except as to Temple Block. Denial was also made to a petition from George Romney, Henry Dinwoody, James Watson and John Clark, who, as intervenors, had requested that an order be made returning all property then in the hands of the Receiver to the individual members of the Church, who had voluntarily donated it for religious and charitable purposes. A decree of forfeiture having been entered, an appeal was taken to the Supreme Court of the United States.

The Receiver's Compensation.—The question of compensation for the Receiver and his attorneys came before Referee E. T. Sprague, appointed by the Supreme Court of Utah to take testimony as to the value of the service rendered. Receiver Dyer thought that his compensation should not be less than twenty-five thousand dollars; and his attorney, Mr. Williams, and U. S. Attorney Peters each put in a claim for ten thousand dollars. Later, while the Supreme Court was considering the question, Ex-Chief Justice Zane appeared in behalf of certain school trustees, who, fearing the property escheated for educational purposes was about to be wrongfully diverted, protested against the granting of such heavy fees. At the same time certain charges were made against the Receiver and his legal advisers. This led to an inquiry before Examiner Robert Harkness, appointed for that special purpose. The Receiver was able to exonerate himself and his attorneys as to the charges; but the Supreme Court of the Territory, in March, 1889, basing its action upon an investigation ordered by Attorney General Garland, decided the fees excessive, and they were reduced. Receiver Dyer was allowed ten thousand, Mr. Williams five thousand five hundred, and Mr. Peters four thousand dollars, for their services. These amounts, with other expenses, aggregating $27,365.63, were paid out of the Church funds in the hands of the Receiver.

FRANCIS M. LYMAN.

A Day of Lenity Dawns.—From the hour of Judge

Sandford's installation, it was evident that judicial proceedings in Utah would be divested of all undue severity. Judge Zane had deemed heavy penalties necessary to the solution of the plural marriage problem, but his successor held the opinion that some leniency should be shown. Like Judge Emerson, he was opposed to singling out any particular transgression and making special war upon it. "Treat it as any other offense," was the expression of his attitude toward polygamy. Judge Judd was influenced by a similar spirit.

WARDEN PRATT.

As soon as it became known that a modified procedure would prevail in the Federal Courts, many persons who had long evaded legal process surrendered themselves and asked to be dealt with according to law. The first to pursue this course was President George Q. Cannon, who appeared before Chief Justice Sandford on the 17th of September, 1888, and pleaded guilty to two indictments for unlawful cohabitation. On the first count he was fined two hundred dollars, and sentenced to the Penitentiary for seventy-five days; on the second count a fine of two hundred and fifty dollars was imposed, with imprisonment for one hundred days. Elder Francis M. Lyman, of the Council of the Twelve, surrendered in like manner, pleading guilty to unlawful cohabitation, for which he had been indicted five times. Four of the indictments were dismissed, and upon the remaining one he was fined two hundred dollars and costs, and sentenced to eighty-five days in the Territorial prison. The date of this judgment was January 14, 1889.

Penitentiary Improvements.—Important and much needed improvements had recently taken place at the Utah Penitentiary. With means appropriated by Congress for the purpose, new buildings, steam-heated and otherwise well appointed, had been erected in the old prison yard, and the log hovels and other primitive appurtenances had entirely disappeared. New cells had been constructed, lavatories and

other conveniences provided, and though the discipline was stricter than ever, the place was clean and wholesome and the inmates far more comfortable than they had been. Arthur Pratt, a Utah man, was the efficient Warden of the improved institution.*

Judge Sandford Criticized.—Chief Justice Sandford was much criticized for his leniency. In the eyes of the "Ultras," he was an enemy to progress. But he steadily held on his way, doing his duty conscientiously and humanely, regardless of the censure heaped upon him. He was not the only public official blamed for showing lenity toward the convicted "Mormons." Even the President of the United States did not escape.

Number of Convictions and Pardons.—Delegate Dubois, of Idaho, introduced a resolution in the House of Representatives, requesting the Attorney General to furnish a list of pardons granted by President Cleveland to persons convicted of unlawful cohabitation in Utah and Idaho. The resolution having been adopted, the Department of Justice reported,

NEW PENITENTIARY OR STATE PRISON.

*Mr. Pratt is Warden of the State Prison at the present time (1916). He deserves much credit for his wise and efficient management of the institution. Long ago he abolished the humiliating stripes in which convicts were clothed, and is noted for his humane efforts to reclaim wrong-doers placed in his charge.

September 13, 1888, that the number of convictions under the anti-polygamy statutes—mostly for unlawful cohabitation—was five hundred for Utah, and eighty-nine for Idaho; and that the total of pardons for both Territories was fourteen. In Utah fines and costs collected in such cases amounted to $45,956.90; and in Idaho to $2,251.10; these amounts not including the $25,000, forfeited in the Cannon case. It was shown that no pardon had been granted except upon the recommendation of the United States Attorney prosecuting the case, nor unless the person pardoned was aged, ailing, or otherwise clearly entitled to clemency.

The Case of Hans Nielson.—Judge Judd's most important trial while on the Utah Bench was that of Hans Nielson, charged with unlawful cohabitation and adultery; the former under the Edmunds Act, the latter under the Edmunds-Tucker Law. The two offenses were in reality one, the woman in the affair being the defendant's plural wife, with whom he had lived from October 15, 1885, to September 27, 1888; the latter being the date of both indictments. Instead of charging one continuous offense, covering the entire period, the Grand Jury had first indicted Nielson for unlawful cohabitation from October 15, 1885, to May 13, 1888; and had then brought in a bill for adultery, alleged to have been committed by the defendant with this same wife on May 14th—the very next day.

The trial on the first indictment took place in November of that year; the court being held at Provo. Convicted of unlawful cohabitation, Nielson was fined one hundred dollars and costs and sentenced to three months imprisonment. Having satisfied this judgment, he was brought to trial on the second indictment. His former conviction was pleaded as a bar to further prosecution, but a demurrer to that plea was sustained by the Court, and the defendant, again convicted, was sent back to the Penitentiary; this time for four months. The Court denied an application for a writ of habeas corpus, and the case was appealed to the Supreme Court of the United States, where it was heard in the latter part of April, and decided on the 13th of May, 1889. The decision, voiding the judgment of the trial court, held that a person could not be convicted of two different offenses covered by the same transaction.

Nielson was immediately released, as were several other persons who had been convicted in like manner and were serving sentences in the Penitentiary. One of these was Bishop William H. Maughan, of Wellsville. The Nielson case had been tried with the understanding that it would test all other cases of like character, and be passed upon by the Supreme Court at Washington.

Howard Spencer's Acquittal.—While assisting in the Third District Court, Judge Judd presided at the trial of Howard Spencer, indicted for the killing of Sergeant Ralph Pike in August, 1859, as set forth in Chapter Sixteen of this History. Spencer's trial took place at Salt Lake City in May 1889; United States Attorney Peters, assisted by Ogden Hiles, conducting the prosecution; and Arthur Brown, Sheeks and Rawlins, and Le Grande Young appearing for the defense. Most of the jurors were "Gentiles." The defendant was acquitted. The verdict, though displeasing to the Judge, who expressed his dissatisfaction from the Bench, was applauded in the court room and approved by the general public.

S. R. THURMAN.

Three Candidates for Congress.—The autumn of 1888 found three candidates in the field for Delegate to Congress. They were John T. Caine, renominated by the People's Party; Robert N. Baskin, the Liberal nominee; and Samuel R. Thurman, representing "The Democratic Party of the Territory of Utah," otherwise known as "The Sagebrush Democracy." The last-named organization, which had just been formed, was of meager membership, though comprising some well known names, "Mormon" and "Gentile." Short-lived and seemingly barren of results, it nevertheless made an impression on the politics of the period, foreshadowing events that were to follow. The Liberal Convention was held at Park City, and that of the People's Party at the Territorial capital, where the Democrats also assembled. Delegate Caine was again chosen. His election took place simultaneously with the great national contest that returned to power the Republican Party, with Benjamin Harrison as President.

The Statehood Question.—The Constitution of the proposed State of Utah, prepared in 1887, with a memorial asking for admission into the Union, had been presented to Congress in January, 1888. Senate and House each referred the matter to its Committee on Territories. The Senate Committee disposed

of it in March of that year, when Senator Cullom reported a resolution to the effect that Utah ought not to be admitted as a State until it was certain that the practice of polygamy had been entirely abandoned by the inhabitants of the Territory, and that the civil affairs thereof were no longer controlled by the priesthood of the "Mormon" Church. The Committee was discharged from further consideration of the question .

The House Committee took it up in January, 1889. To oppose Statehood, the Liberals had sent to Washington Robert N. Baskin and John R. McBride, and they were zealously assisted by the "Anti-Mormon" Delegate from Idaho. Governor West, E. P. Ferry and P. H. Lannan were also at the capital that winter, and the Governor took part in the proceedings before the Committee. On the other side were Delegate Caine, Franklin S. Richards, Jeremiah M. Wilson (a Washington lawyer), Delegate Mark A. Smith and Ex-Delegate Bean, both of Arizona. President Joseph F. Smith, John W. Young, and Charles W. Penrose were likewise at the seat of Government, using their influence for Statehood. While he was in Washington, Mr. Penrose, who had been indicted for a minor infraction of the Edmunds Law, received special amnesty from President Cleveland, just before his retirement from office.

During one of the sessions of the House Committee, in reply to Mr. F. S. Richards, who had called attention to the achievements of the Utah Pioneers, Judge McBride asserted that "there never was a more inviting country than Utah when the Mormons went there." He claimed to have passed through Salt Lake Valley on his way to Oregon, before the arrival of the Pioneers. Said he: "I have had my moccasins wet with the dew on the grass while riding through the meadows of that valley before it was settled."

This attempt to depreciate the founders of the Territory and minimize their service to civilization, was not particularly pleasing even to McBride's own partisans. Governor West, one of the subsequent speakers, evidently had it in mind when he addressed the Committee, saying: "I shall not arraign the Mormon people as wanting in religious devotion, virtue, honesty, sobriety, industry, and the graces and qualities that adorn, beautify and bless life; nor will I attempt to detract from the praise and glory that are due or claimed for the hardy Pioneers who settled and reclaimed that land." In his opinion, however, none of these things could justify "the despotism of the Mormon political system," and until that was a thing of the past he was opposed to the admission of Utah as a State. The Governor had previously spoken of "marked and

decided changes" for the better, mentioning the labors of the Salt Lake Chamber of Commerce, and the giving to the "Gentiles," by the "Mormons," of representation in the government of their capital city, and on the boards controlling the Asylum for the Insane, the University of Deseret, the Reform School, Agricultural College, and Territorial Fair. He further stated that the last Legislative Assembly had enacted liberal laws for cities, enabling them to make loans and issue bonds for sewerage and additional water supplies.

Delegate Caine referred to conditions in Utah, and Delegate Dubois portrayed the situation in Idaho, where, he said, "Mormons" were severing their connection with the Church in order to retain the privileges of citizenship. Judge Baskin repeated charges that he had often made against the "Mormon" priesthood and people, and Messrs. Bean and Smith defended them. Judge Wilson advocated Statehood as the best means of solving the vexed problem. He replied to the argument advanced by the other side, that the submitted Constitution contained provisions (such as the proposed punishment of polygamy) that would deprive Utah, if admitted into the Union, of that equality that should exist among the different States, and showed that Congress had power to enforce the special contract.

The main argument against Utah's admission was the alleged insincerity of the "Mormon" people. Their recent acts of liberality toward political opponents, public movements and institutions, were declared to be calculating concessions, made to secure Statehood and perpetuate the tyrannous power of the Church. The anti-polygamy clauses in the proposed Constitution were "a rope of sand." The Territory should not be admitted until polygamy had been entirely abandoned, and civil affairs taken from the control of the Priesthood.

The admission of all the Territories as States had been urged by the "Mormon' delegation at the capital, and President Cleveland seemed to favor the proposition; but the prejudice in Congress against Utah was too thick to be penetrated by those who were then working for her political sovereignty. After several weeks of deliberation, the House Committee on Territories reported favorably upon the admission of Idaho, Arizona, and Wyoming; but omitted from its recommendation the fairest and most eligible of all the dependent commonwealths—Utah, the Cinderella of the National Household.

Incoming and Outgoing Officials.—Within six months after his inauguration (March 4, 1889), President Harrison removed most of the Democrats holding Federal offices in Utah, and filled the places with Republicans. Caleb W. West was succeeded as Governor by Arthur L. Thomas; and Wil-

liam C. Hall as Secretary by Elijah Sells. Governor Thomas' place as a member of the Utah Commission was given to Alvin Saunders, of Nebraska. Commissioner Carlton had resigned in April, and Robert S. Robertson, of Indiana, had been appointed in his stead. The next chairman of the Commission was Mr. Godfrey. An official change that caused more comment than all the others combined was the removal of Chief Justice Sandford and the reappointment of his predecessor, Chief of Justice Zane. This news was telegraphed from Washington on the 24th of May. Judge Zane's return to office was accepted as an indication of the attitude of the new Administration toward Utah. It was the removal of Sandford, however, rather than the reappointment of Zane, that occasioned the widespread comment.

President Harrison's "Policy."—Judge Sandford had written out his resignation soon after Harrison was inaugurated, but yielding to the solicitation of prominent members of the Utah Bar, he had refrained from sending it to Washington. Two months later he was requested to resign. Thereupon he wrote to Attorney-General Miller, asking if any charges of official misconduct had been filed against him, at the same time expressing the opinion that if such charges had been made, it would be improper for him to resign until they were met. If, however, a change was necessary for merely political reasons, he would send in his resignation as soon as practicable. The answer was his removal, accompanied by a statement that papers were on file in the Department of Justice complaining of the manner in which he had discharged his official duties. "Independently of these particular complaints," added the Attorney-General, "the President has become satisfied that your administration of the office is not in harmony with the policy he deems proper to be pursued with reference to Utah affairs."

Judge Sandford's Reply.—Judge Sandford made the following rejoinder: "My earnest purpose while on the Bench, as Chief Justice of this Territory, has been to administer justice and the laws honestly and impartially to all men, under the obligations of my oath of office. If the President of the United States has any policy which he desires a Judge of the Supreme Court to carry out in reference to Utah affairs other than the one I have pursued, you may say to him that he has done well to remove me."

The Attorney-General's remark upon the "policy" that President Harrison deemed proper to be pursued by Federal Judges, called forth much criticism, particularly from Democratic sources. The idea that magistrates chosen to administer law and mete out justice were but factotums of the

National Administration—"the Judiciary a mere catspaw for the Executive," as Judge Judd put it—was severely satirized. For many days the country resounded with a journalistic bombardment, pouring the hot shot of protest and denunciation in the direction of the White House. Judge Sandford's dignified response was in everybody's mouth, and the letter containing it probably did more for its author's fame than any other act of his life.

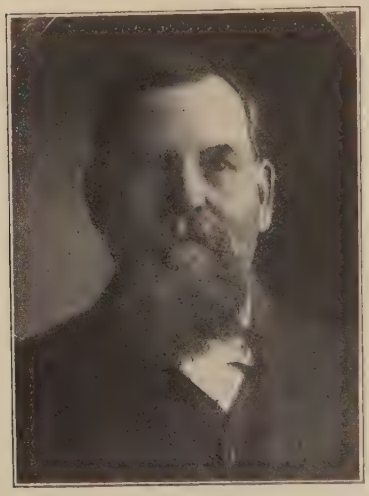
Judge Zane and Associates—Other Federal Appointees.—Chief Justice Zane returned to the Bench on the third day of June. His course from that time was not what many feared it would be. He seemed actuated by a more conservative spirit, and his known respect for law and order, with the general uprightness of his character, made him acceptable to "Mormons" and "Gentiles" alike Associate Justices Thomas J. Anderson and Henry P. Henderson were among the few Democrats whom President Harrison allowed to remain in office. Judge Anderson was originally from Illinois, but at the time of his appointment, a resident of Washington, D. C. He had succeeded Judge Boreman, who became Utah's Commissioner of Schools, succeeding Parley L. Williams in that position, the power to fill which had been vested by Congress in the Supreme Court of the Territory.

District Attorney Peters and Marshal Dyer were the next officials to retire. The former was succeeded by Charles S. Varian, and the latter by Elias H. Parsons, both appointed in the summer of that year. Judge Judd resigned, but remained in Utah, and a few years later became United States Attorney for the Territory. His successor as Associate Justice was John W Blackburn.

Ogden Goes Liberal.—The Liberal Party had been gradually gaining ground in some parts of Utah, and it now elected for the first time the municipal government of the second city in the Territory. An important railroad center, Ogden for many years had had a varied population. Early in 1889 the Liberals prepared to carry the town. Their campaign manager was Harvey W. Smith, alias "Kentucky" Smith, a trained politician and a lawyer of much ability, the reputed author of the Idaho test oath law. Election day was the 11th of February. The Liberals won by a majority of over four hundred; Mr. Fred J. Kiesel heading the victorious ticket as Mayor. A pandemonium of rejoicing followed, such as the Junction City had never known.

A Prophetic Majority.—At the August election, which was for county officers and members of the Legislature, Ogden again went Liberal, though with two hundred less majority than before. Juab County was carried by a coalition of Lib-

erals and Independents, and Summit County by the usual Liberal majority. That party elected eight members of the Legislature. Its greatest cause for rejoicing, however, was a majority of forty-one votes, cast at Salt Lake City. Great was the jubilation when this fact became known. The Ogden demonstration was insignificant by comparison. The Liberal managers now laid their plans to take the Territorial capital.



MAYOR KIESEL.

Drastic Recommendations.—The Utah Commission, in its annual report, September, 1889, repeated some of its former recommendations, and added others which, if enacted into laws, would have made of Utah a veritable slave pen, with little or nothing left to the majority of the people beyond the privilege of breathing and paying taxes. They were not only to be disfranchised, but also debarred from the advantages of the homestead laws. The founders of the commonwealth, were to be treated as outlaws, lorded over by petty satraps chosen from the ranks of a hostile minority, wielding despotic powers and having the sons and daughters of the Pioneers as their manservants and maidservants, their hewers of wood and drawers of water! But such an infamy was not to be.

All the Commissioners but one signed this report. Brave old General McClernand stood out alone, refusing to put his name to the drastic document. He maintained that the existing laws against polygamous practices were working well enough, and that further legislation trenching upon civil and political privileges and religious convictions, would be injurious rather than beneficent.

Governor Thomas.—In October Governor Arthur L. Thomas made his first report to the Secretary of the Interior. Estimating the population of the Territory at 230,000—a calculation subsequently shown to be excessive—he stated that the number of "Gentiles" had largely increased as the result of "The Boom."* Outside of Salt Lake City, Ogden, the min-

*The wave of material prosperity that went by that name was characterized by a sudden inflation of values, particularly in real estate. Then followed the inevitable depression, and while some were enriched, others were financially ruined.

ing camps and small railroad towns, the "Mormons" were in the majority. In all but one of the twenty-four counties, and in 255 of the 278 election precincts, the "Gentiles" were in the minority at the last election. The "Mormons" were mainly agriculturists, owning most of the land and water, and therefore owning Utah. They were industrious, frugal, and easily governed, particularly by their Church leaders, a firm religious enthusiasm being their leading characteristic. The Governor cited various measures suggested for the solution of the "Mormon Problem," and expressed the opinion that "any temporizing policy" which left the Church "in a position to control the politics of the Territory" was "only delaying the final settlement."

GOVERNOR THOMAS

A Solution at Hand.—What was meant by "the final settlement," the Governor did not say. A settlement was at hand which probably surprised him as much as anyone—a solution unlooked for either by "Mormons" or "Gentiles," and more generally acceptable, perhaps, than any other that could have been proposed.

XXXII.

THE END OF A CYCLE.

1889-1891.

A New Order of Things.—The decade of the "nineties" witnessed the dawn of a new era in Utah. One event alone sufficed to introduce a new order of things. That event was the issuance by the "Mormon" President, and the acceptance by the "Mormon" people, of the famous "Manifesto," with-

George Q. Cannon. Joseph F. Smith. Wilford Woodruff.

PRESIDENT WOODRUFF AND COUNSELORS.

drawing sanction from the further solemnization of plural marriages. The head of the Church at that time was Wilford Woodruff, a Pioneer of 1847, and senior member of the Council of the Twelve at the death of President John Taylor. By virtue of this seniority, he had succeeded to the Presidency in

April, 1889, choosing George Q. Cannon and Joseph F. Smith as his counselors, thus placing them in the same relative positions that they had formerly held. Before the subject of the Manifesto is presented, several earlier happenings must receive attention from the historian.

The Case of Auditor and Treasurer.—The opening of the new decade brought to a close the controversy between the Governor and the Legislature over the right to appoint certain Territorial officers. As previously shown, Section Seven of the Organic Act authorized the Executive to nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not otherwise provided for in that statute. Among those "not otherwise provided for" were the Auditor and Treasurer. These officers, with others, Governor Murray had claimed the right to appoint. The Legislature denied the claim, basing its action upon one of its own laws, which had been tacitly approved by Congress. The Utah courts sustained the Governor, deciding that his appointees, Arthur Pratt and Bolivar Roberts, should have the offices; and from that decision Auditor Nephi W. Clayton and Treasurer James Jack, who had been elected by the people, appealed to the Supreme Court of the United States. The case of the Territorial Superintendent of Schools, originally a part of the same controversy, had been eliminated by the Edmunds Tucker Act, which abolished that office.

The Court's Decree.—It was on the 6th of January, 1890, that the Court at Washington rendered its decision, ruling against the appellants, Clayton and Jack, and affirming the Governor's right to nominate the Territorial Auditor and Treasurer. The law of 1878, under which the incumbents were elected, was held to be in conflict with the Organic Act, and therefore void, and in the absence of action by the Council upon the Governor's nominees, the latter were entitled to the places. Accordingly, Mr. Pratt became Auditor, and Mr. Roberts Treasurer. They recovered the salaries paid to the incumbents since the beginning of the contest. The latter, for services as de facto Auditor and Treasurer, were subsequently reimbursed by Legislative appropriation, but the expense of the litigation was borne by themselves.

Idaho's Test Oath Sustained.—Another important issue pending at Washington involved the validity of the Idaho test oath law, by which the "Mormons" in that Territory had all been disfranchised. Under this law electors were required to swear that they were neither polygamists nor members of an organization which taught, advised, counseled, or encouraged its members to practice polygamy. The final test was made in a case entitled the People versus Samuel D. Davis,

the defendant in which had been prosecuted in the Third District Court of Idaho for conspiracy. He was not a polygamist, but had taken the test oath and procured registration as a voter while holding membership in the "Mormon" Church. Having been convicted, he was fined five hundred dollars, and in default of payment was sentenced to imprisonment for two hundred and fifty days in the Oneida County Jail. Habeas corpus proceedings followed, with an appeal to the Supreme Court of the Nation, which heard the case in December, 1889. Counsel for the appellant contended that a law making Church membership a crime was unconstitutional, invading the domain of conscience and making a man an offender for his religious belief. This was met by the argument that the "Mormon" Church taught and practiced polygamy, which was a crime; and that membership in that Church was not mere belief, but action, and action was a rightful subject for legislation. The Court's decision, delivered by Mr. Justice Field, February 3rd, 1890, affirmed the constitutionality of the test oath law. and sustained the judgment of the lower court in refusing to liberate the prisoner on habeas corpus. In Utah, as well as in Idaho, this ruling created a profound sensation. The "Mormons" were astounded; the "Anti-Mormons" jubilant.

An Exciting Campaign.—The news, flashed westward, found Salt Lake City in the throes of a political campaign, the most exciting that the town had ever experienced. Since the previous autumn the utmost activity had been shown by the two parties that were about to contest at the ballot box for the official control of the Utah capital. Clubs were formed, campaign songs composed and sung, torch-light processions paraded the streets, and indoor and outdoor orators fired the heart of the multitude. On either side unprecedented enthusiasm was awakened. General Connor, "The Father of the Liberal Party," was made its nominal leader for this campaign; but the real leader was Judge Orlando W. Powers, ex-Associate Justice, brilliant lawyer and orator, and one of the ablest political generals in the West. Judge Powers had been placed in charge of the Liberal forces at Salt Lake City soon after the party's victory at Ogden, and he was now looked to for guidance in the most important contest of its history. The People's Party voters were marshaled under the direction of Franklin S. Richards and Richard W. Young, both native sons of Utah, and able members of the bar.

Registrars and Registration.—Registration of voters for the election began early in November, 1889. Prior to that time the Utah Commission had appointed its chief clerk, Henry Page, City Registrar. Page had for deputies in the five

municipal precincts, H. S. McCallum, E. R. Clute, J. R. Morris, R. D. Winters, and Louis Hyams, all intense Liberal partisans, four of whom—Clute, Morris, Winters, and Hyams —were about to be placed upon the Liberal ticket as candidates. The People's Party was given no representation among the registration officers.

Political Colonization.—Each side charged the other with attempts to colonize voters; that is, to induce people dwelling in outside places to move into the City temporarily, for the purpose of registering and voting. It was both charged and proved that some of the deputy registrars hired a special train and ran it on a midnight expedition down the Denver and Rio Grande Railroad as far as the Colorado line, where non-resident section hands were registered for the Salt Lake City election. This exposure was made by Captain Bonfield, former Inspector of Police for Chicago, who had been employed, with a force of detectives, to ferret out the frauds. Most of the names secured in the manner described were afterwards found upon the voting lists of the Second Precinct, for which E. R. Clute was Registrar. Judge Powers repudiated the clandestine expedition, undertaken as he claimed during his absence from town, and he also affirmed that none of the non-resident workingmen voted at the election.

Called to Account.—The Registrars having been accused of discriminating against voters of the People's Party, the chairman of the Utah Commission—then absent with his associates from the Territory—was communicated with by telegraph and asked to interfere. Three of the Commissioners came to Salt Lake City and heard complaints against the Registrars. At the close of the hearing the latter were enjoined to allow no bias, prejudice, or partisanship to influence their acts. The Commissioners then went their way, and the Registrars pursued theirs.

Wells Versus Winters.—In many instances People's Party voters, already registered, but against whom gossip may have wagged its tongue, were notified that unless they requalified by again taking the registration oath, their names would be stricken from the voting lists. Among those who received this notification was the future Governor of the State of Utah, Heber M. Wells, a native born citizen, well known to be the husband of but one wife, and a young man of prominence holding the office of City Recorder. Mr. Wells made the following reply:

"Salt Lake City, Utah, December 21, 1889.

"R. D. Winters Esq., Registrar Fourth Precinct:

"Dear Sir: I beg to acknowledge receipt of yours without date, notifying me that owing to certain information coming to you regard-

ing my disqualification to remain longer on the registry of the Fourth Precinct, you would strike my name from the list unless I appear during the week commencing the 23rd inst., and requalify by taking and subscribing the oath anew.

"I am not advised as to the character of the information you refer to, but I now notify you that any and all information alleging or intimating other than that I am a native born citizen of the United States, over the age of twenty-one, and qualified in every respect to register and vote, is utterly and totally false; and I hereby warn you that if you strike my name from the list upon any pretext whatever, you do so at your peril, and I shall immediately begin proceedings against you to test in the courts your right to exercise what I consider a high-handed and impertinent assumption of authority.

"Respectfully,
"HEBER M. WELLS."

The warning proved effectual; Registrar Winters making no further attempt to deprive Mr. Wells of his right to vote.

Political Indictments.—Another card played in this shrewd political game was the procurement of indictments against a number of the officers of Salt Lake City and County. These indictments, based upon trumped up charges, were allowed to hang over the defendants—People's Party men—all during the campaign. After the election, having served their purposes. they were dimissed.

Applications for Citizenship.—Many bona fide residents had not been naturalized, and to pass upon applications for citizenship Associate Justice Anderson held special sessions of court at Salt Lake City. "Mormon" applicants were questioned as to their belief in polygamy, and if they admitted such a belief they were objected to as "men of immoral character." Inquiries made of other applicants concerning sexual practices outside the marriage relation, were characterized by the objectors as "superfluous and absurd."

Allegations respecting a ceremony which was said to require from everyone passing through the Endowment House an oath of hostility to the United States Government, were made the basis of a contention that no member of the "Mormon" Church should be admitted to citizenship. To prove these allegations, a deaf and partly daft old man named Martin Wardell was put upon the witness stand. He described what purported to be the "Mormon" death penalty, "Blood Atonement," and told how it was visited upon apostates and unfriendly "Gentiles." He cited the case of one William Green, who, according to Wardell, was killed by "Danites" in 1862. It proved to be a figment of the old man's imagination—and that he was "visionary" and "imagined strange things," his own relatives testified; for the reported dead man turned out to be alive. Mr. Green, who was a fair-minded "outsider," forwarded from Spanish Fork his affidavit, which of course

refuted the sensational story. But the document did not arrive until after the close of the proceedings before Judge Anderson.

Editor Penrose Imprisoned.—During the examination prominent "Mormons" testified that there was nothing treasonable or antagonistic toward the Government in the doctrines of their Church, nor in the ceremonies of the Endowment House. The Church laws were only ecclesiastical, and the extreme penalty inflicted under them was excommunication. For refusing to answer, as irrelevant, the question: "How many wives have you?" Editor Penrose, of the Deseret News, was charged with contempt. He did not deny it, and was sent to the Penitentiary, where he remained about a week, and was then given his liberty, the investigation having closed.

No "Mormon" Need Apply.—Judge Anderson, in a decision rendered on the last day of November, 1889, denied the applications of John Moore and Walter J. Edgar for citizenship, on the ground that they had been through the Endowment House and had there taken an oath of hostility to the Government. Nine others were rejected because they were members of the "Mormon" Church, though they had never been through the Endowment House, and were not even accused of taking any disloyal oath or obligation.

Chief Justice Zane, in whose district the examination had been held, announced from the bench that Judge Anderson's decision would be respected "for the present." It was evidently a bitter dose for this naturally upright magistrate to swallow. But the "Mormon Problem" must be solved, and it was therefore decreed that Church membership, so far as the Latter-day Saints were concerned, disqualified aliens for citizenship.

The Liberal Victory.—The rival tickets having been nominated, rousing ratifications were held, mammoth spectacular parades adding to the general interest felt over the approaching contest at the polls. The election fell upon Monday, the 10th of February. The Liberals swept all, or nearly all, before them, electing the Mayor, Recorder, Assessor and Collector, Treasurer, Marshal, and most of the Councilmen and Justices of the Peace. The People's Party carried two precincts, electing six members of the City Council. The Mayor-elect, George M. Scott, merchant, had a majority of eight hundred and eight votes over Spencer Clawson, the candidate of the People. Judge Powers, for his efficient service in conducting the campaign. was publicly thanked by his fellow Liberals and presented with a check for ten thousand dollars.

A Wrong Righted.—It had been customary under the old City Charter to elect five Aldermen and nine Councilors, who

were chosen, like the Mayor and other general officers, at large. But under a new law—the Municipal Corporation Act of 1888—the City Council had been made to consist of fifteen Councilmen, who were to be chosen in their respective precincts. It was this provision that gave the People their victory in the Third and Fourth precincts. When, however, their six Councilmen applied for certificates to the Secretary of the Territory (who was also Secretary of the Utah Commission), he held that the old law had governed at this election, and that the members of the City Council had been chosen at large. He therefore refused the application of the six Councilmen—in fact, had already given certificates to the other candidates.

The District Court was then appealed to, and Judge Zane evinced his usual willingness to right the wrong. Straightway he ordered the issuance of a peremptory writ of mandate, requiring Secretary Sells to furnish the certificates to the men whom the voters had chosen. But an appeal was taken to the Supreme Court of the Territory, and meanwhile the new City Government was organized; the defeated Liberals being sworn in with the others. "The law's delay," if not "the insolence of office," kept them in place during the greater part of the term for which their opponents had been elected. Eventually, however, the usurpers were ousted, and the right men installed, pursuant to the Supreme Court decision. The men elected were Richard W. Young, W. J. Tuddenham, J. Fewson Smith, Oscar H. Hardy, Frank H. Hyde, and Eli A. Folland.

The Free School System.—In March, 1890, the Legislature enacted a law providing for a uniform system of free schools throughout Utah. This law consolidated into one school district every city of the first class, or those having a population of over twenty thousand; and every city of the second class, or those having a population between five thousand and twenty thousand. Salt Lake, the only city of the first class, had consisted of twenty-two school districts, each controlled by its own board. These twenty-two districts now became one, with the power to elect two trustees from each municipal ward; and these, with the Mayor as ex-officio chairman, were to constitute the School Board.

"A Rascal and a Wretch."—At the first free school election, held in July of that year, the Liberals carried four of the five Salt Lake City precincts, electing a majority of the Board of Education. Their victory in the Fourth Precinct, however, was the result of a gross fraud—the deliberate substitution of Liberal ballots for People's ballots by one of the judges of election, thus causing the defeat of Richard W. Young, whose

office went to his opponent. The person immediately responsible for this piece of rascality was a Colorado man, William J. Allen, one of an army of transients who had recently drifted into Utah. Proofs of his guilt having been obtained, he was arrested and examined before United States Commissioner Greenman, who discharged him on the ground that the evidence was not strong enough to warrant his detention.

Judge Zane thought differently. The matter came before him in a suit instituted by Captain Young for the recovery of the office out of which he had been defrauded. The Judge, having heard the arguments, decided that Young was elected. He then called the attention of the Grand Jury to the conduct of Allen, whom he termed "a rascal and a wretch" who had attempted "to overthrow the expression of the people's will," thereby committing "a crime akin to treason." He also urged the Grand Jury to investigate the conduct of H. S. McCallum, ex-deputy registrar, who had caused Allen to be chosen a judge of election. Allen was indicted and tried, but escaped conviction, and immediately left the Territory. McCallum was not called to account, except at the bar of public opinion. Captain Young secured his office, and served as a member of the Board of Education.

People and Workingmen.—In August of the same year the Liberals carried Salt Lake County, though not with a complete victory; a combination of People's partisans and Independent Workingmen electing the Recorder, Sheriff, and Treasurer. Andrew J. Burt's majority for Sheriff was two hundred, he having run ahead of his ticket. The fight was closer for Recorder and Treasurer, and the men elected, John H. Rumel, Jr. and Joseph B. Toronto, secured their places only after a contest in the courts and a ruling by the Utah Commission. Frauds were charged at Bingham and South Cottonwood, but the election result remained unaffected thereby.

Box Elder and Weber Controversies.—At Brigham City some friction arose over the appointment, by the County Registrar, of three candidates for office as judges of election. The Utah Commission had winked at the use of prospective candidates as registrars in Salt Lake City, but now it thought best to interpose, pursuant to a rule recently established by itself, forbidding such procedure. Accordingly, the Board appointed a new set of judges to supersede those already selected. The latter refused to give way, and the new appointees opened another poll in the same building; the voters, to be secure, casting their ballots at both places. Each set of judges sent certified returns to the Commission, but owing to the rejection

of certain votes at one poll, and their acceptance at the other, the figures did not agree. It was decided that the legal returns were those from the judges last appointed. This ruling saved Box Elder County to the People. The Weber County returns were called in question by Daniel Hamer, People's candidate for Recorder, who alleged that votes cast for him had been counted for his opponent, John G. Tyler. A recount of the ballots was asked for, but the request was denied by the Commission, Tyler receiving the certificate of election.

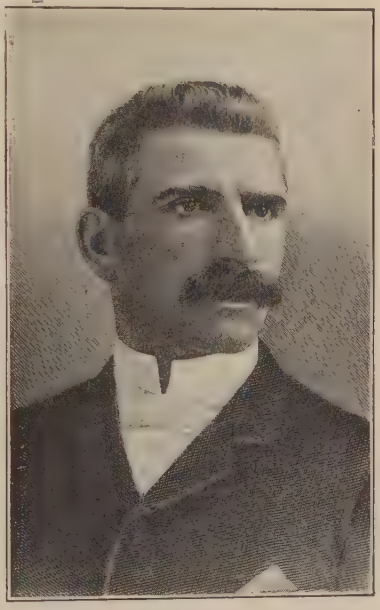
A Final Battle.—Once more, and for the last time, the Liberal and People's parties were arrayed against each other on a political battlefield. It was in the autumn of 1890, when Delegate Caine was again put forward by the People for a seat in Congress. The Liberal standard-bearer was Judge Goodwin, the veteran editor of the Tribune. The campaign ended in Caine's victory.

Proposed Disfranchisement.—The Supreme Court of the United States having decreed the Idaho test oath law constitutional, the "Anti-Mormon" politicians were encouraged to frame a similar statute for Utah. It would have been futile, of course, to follow the Idaho plan too closely and introduce such a measure in the Legislature, a great majority of whose members were "Mormons." The purpose was to have the law enacted by Congress. The framer of the bill—Judge Baskin—was chosen to carry it to Washington. He reached his destination early in April, 1890.

The Cullom-Struble Bill.—A few days later the disfranchisement measure was introduced in the Senate. It provided that no person living in plural marriage, or who taught polygamy, or was a member or contributed to the support of any organization that advised or encouraged the practice, or who assisted in the solemnization of plural marriages, should vote, serve as a juror, or hold office in Utah. A test oath was incorporated requiring each elector to swear that he was not a polygamist, would never become one, would never advise, aid, or abet any person in the practice of polygamy, and was not a member of any organization that taught or encouraged the practice. This bill was presented by Senator Cullom of Illinois, and became known as the Cullom Bill, the second of its name in Utah annals. Next day a precisely similar measure was presented in the House by Mr. Struble of Iowa. Both bills were referred to appropriate committees, and by them favorably reported; not, however, before Delegate Caine and his colleagues had led a gallant fight against them.

Governor Thomas on the Situation.—About the middle of May Goverior Thomas returned from Washington, where he, with Ex-Governor West, had been working in the interest of a Federal Building for the Territory. In a press interview, the Governor stated that the decision of the Court of Last Resort in the Idaho disfranchisement case had been accepted by leading members of Congress as the solution of the Utah problem, and he expressed the opinion that the Cullom-Struble bill would probably become a law.

Conservative "Gentile" Opposition.—That a majority of the "Gentiles" wanted the "Mormons" disfranchised, may well be doubted; and that a very influential class among them was opposed to the radical proposition, soon became apparent. This class came out in pronounced antagonism to Judge Baskin's pet measure, the enactment of which would have widened the gulf between the two social elements and dealt a death blow to the material interests of the Territory. Such a consideration had weight with those who had been investing heavily in real estate and in various commercial and industrial enterprises. Hundreds of "Gentile" business men, with officers and soldiers at Fort Douglas, signed a petition asking Congress not to pass the obnoxious bill. One of the signatories was Fred Simon, Vice-President of the Salt Lake Chamber of Commerce.



FRED SIMON.

Ex-Delegate Cannon at Washington.—Among those who went to Washington to work for the defeat of the disfranchisement legislation, was President George Q. Cannon, who still retained much of the influence exerted by him among Congressmen in former years while serving as Utah's Delegate. He was accompanied by his son, Frank J. Cannon, also by Bishop H. B. Clawson, and Colonel Isaac Trumbo. The Ex-Delegate had as one of his personal friends Honorable James G. Blaine, Secretary of State, and recognized leader of the National Republican Party.

In the Court of Last Resort.—For more than a year the Federal Supreme Court had had under advisement the Church property suits, the arguments in which were made during January, 1889. The Supreme Court of Utah had declared the property, personal and real, with the exception of Temple Block, forfeited and escheated to the Government, and an appeal from that decision had been taken with a view to testing the constitutionality of the Edmunds-Tucker Act, particularly the part dissolving the Church corporation and confiscating its property. The ground of appeal was that Congress, a law-making body, had wrongfully assumed judicial powers; that the act of the Legislature incorporating the Church was a contract, which could not rightfully be impaired, and that the doctrine of escheat was alien to the spirit of American institutions. On the part of the Government it was maintained that Congress had authority to repeal all Territorial enactments; that the law incorporating the Church was invalid, as it attempted, contrary to the Constitution, to establish a religion; that the charter should be annulled for the abuse of granted rights; and that when a church corporation was dissolved, there being no one to whom the property could revert, it was therefore escheated to the Government. This decision did not affect the property belonging to the Stakes of Zion, the distribution of which by the Trustee-in-Trust to the various Stake Associations, held good in law.

Escheat and Forfeiture Confirmed.—On the 19th of May, 1890, the Supreme Court, by Mr. Justice Bradley, asserted the constitutionality of the Edmunds-Tucker Act and confirmed the decree of escheat and forfeiture. The Court held that Congress, having supreme authority over the Territory of Utah, had power to revoke the charter of the "Mormon" Church and cause its property to be seized and held for final disposition. The Government might prohibit polygamy, and property used for promoting that unlawful practice should be applied, under the direction of the courts or of the supreme power in the state, to other charitable objects corresponding as nearly as might be to the original intention of the donors.

The opinion was that of a majority of the Court, Chief Justice Fuller and Justices Field and Lamar dissenting. They held that Congress had the power to suppress polygamy, but not to seize and confiscate the property of a corporation because its members might have been guilty of crime. A rehearing, requested by the appellants, was denied, but a postponement was ordered until the October term, the case being re-

served by the Court for further consideration as to the modification of the decree.

The Personal Property Question.—Congressmen now began racking their brains for the best method of disposing of the confiscated property. What was to be done with the real estate, the law plainly indicated; but how to dispose of the personal property was not so clear. Senator Edmunds came forward with a bill to authorize the Secretary of the Interior to make the same disposition of the personalty as of the realty, that is, to devote it to the benefit of the common schools. This bill passed the Senate. The Vermont statesman also reported a measure to reorganize the government of Utah, reapportion the Legislative representation, vacate the Territorial and County offices, and give the Governor appointive power in relation to the same.

SECRETARY BLAINE.

What of the Outcome?—Such was the posture of affairs in the summer of 1890. What would be the outcome, was the question agitating all Utah. The disposal of the Church property was not uppermost in the minds of the people. "Are the Mormons to be disfranchised?" was the main question. Efforts for and against the pending legislation continued to be made, and so the summer months went by.

Blaine's Intervention.—The Cullom-Struble Bill was not rushed through Congress as the Edmunds Bill had been; a fact owing, it is said, to the silent though potent influence of Secretary Blaine. The great political leader was convinced of the impolicy of the proposed legislation. Having been assured that Utah was not "hopelessly Democratic;" that many of her people cherished Republican principles—notably protection—and that this element might yet make of the Territory a Republican State, "the Plumed Knight" called a halt upon the radicals of his party in Congress who were bent upon pushing

PRESIDENT WOODRUFF.

through the measure threatening the liberties of the "Mormon" people. His powerful hand was interposed, however, with the understanding that something would be done in Utah to meet the situation.

The Manifesto.—That "something" was the "Woodruff Manifesto," whereby the venerable head of the "Mormon" Church made known his intention of submitting to the laws of Congress enacted against plural marriage, and using his influence with the Latter-day Saints to have them do the same. The document, issued on the 25th of September, 1890, received its formal ratification by the Church in General Conference on the 6th of October. The full text of "The Manifesto" follows:

"OFFICIAL DECLARATION.

"To Whom it May Concern:

"Press dispatches having been sent for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized, and that forty or more such marriages have been contracted in Utah since last June or during the past year; also that in public discourses the leaders of the Church have taught, encouraged, and urged the continuance of the practice of polygamy;

"I, therefore, as President of the Church of Jesus Christ of Latter-day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any other number of plural marriages have during that period been solemnized in our temples or in any other place in the Territory.

"One case has been reported in which the parties alleged that the marriage was performed in the Endowment House, in Salt Lake City, in the spring of 1889, but I have not been able to learn who performed the ceremony. Whatever was done in this matter was without my knowledge. In consequence of this alleged occurrence, the Endowment House was, by my instructions, taken down without delay.

"Inasmuch as laws have been enacted by Congress, forbidding plural marriages, which laws have been pronounced constitutional by the Court of Last Resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the Church over which I preside to have them do likewise.

"There is nothing in my teachings to the Church, or in those of my associates, during the time specified, which can be reasonably construed to inculcate or encourage polygamy, and when any Elder of the Church has used language which appeared to convey any such teaching, he has been promptly reproved. And I now publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land.

"WILFORD WOODRUFF,
"President of the Church of Jesus Christ of Latter-day Saints."

Accepted by the Church.—Just before the Manifesto was presented to the assembled thousands at the Tabernacle, President Woodruff requested one of the Bishops (the present writer) to read to the congregation the Church's Articles of Faith. They were read accordingly. The parts most pertinent to the occasion were these:

"6. We believe in the same organization that existed in the primitive Church, viz., apostles, prophets, pastors, teachers, evangelists, etc."

"9. We believe all that God has revealed, all that He does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God."

"11. We claim the privilege of worshiping Almighty God according to the dictates of our conscience, and allow all men the same privilege, let them worship how, where, or what they may."

"12. We believe in being subject to kings, presidents, rulers and magistrates, in obeying, honoring and sustaining the law."

The Articles of Faith were sustained as the rule of conduct for the Church, a motion to that end having been made by Elder Franklin D. Richards, of the Council of the Twelve. The Manifesto was then read to the people in like manner, and another of the Apostles—Elder Lorenzo Snow—supplemented the reading with this motion: "I move that, recognizing Wilford Woodruff as the President of the Church of Jesus Christ of Latter-day Saints, and the only man on the earth at the present time who holds the keys of the sealing ordinances, we consider him fully authorized, by virtue of his position, to issue the Manifesto which has been read in our hearing, and which is dated September 25, 1890, and that as a Church in General Conference assembled, we accept his declaration concerning plural marriages as authoritative and binding." The vote to sustain the motion was unanimous.

Expressions from the Presidency.—President George Q. Cannon then addressed the congregation. In explanation of the issuance of the Manifesto, he quoted the following paragraph from the Book of Doctrine and Covenants:*

*The Doctrine and Covenants, containing the revelations to the Prophet Joseph Smith, is one of four books accepted as doctrinal standards by the Latter-day Saints. The other standards are the Bible, the Book of Mormon, and the Pearl of Great Price.

"Verily, verily, I say unto you, that when I give a commandment to any of the sons of men, to do a work unto My name, and those sons of men go with all their might, and with all they have, to perform that work, and cease not their diligence, and their enemies come upon them and hinder them from performing that work; behold, it behoveth Me to require that work no more at the hands of those sons of men, but to accept of their offerings."

It was upon this basis, the speaker said, that President Woodruff had felt justified in issuing the Manifesto. President Cannon reviewed the history of the anti-polygamy legislation, and referred to the sacrifices made by the Latter-day Saints for the sake of the principle involved—sacrifices that had not been in vain and that testified to the sincerity and conscientiousness of those who had made them. The First Presidency had been appealed to many times by leading brethren of the Church, to put forth such a declaration as this—especially since plural marriages ceased, and in order that the Church might derive the benefit that would result from the announcement; but not until the 25th of September did the Lord move upon President Woodruff to take action in the matter. The time had come when it seemed necessary that something should be done to meet the requirements of the country and save the people. It was the duty of all Latter-day Saints to submit to this expression of the mind and will of the Almighty.

President Woodruff followed his First Counselor, saying: "The step which I have taken in issuing this Manifesto has not been done without earnest prayer before the Lord. * * * To have taken a stand in anything which is not pleasing in the sight of God—I would rather have gone out and been shot. * * * I am not ignorant of the feelings that have been engendered through the course I have pursued. But I have done my duty, and the nation of which we form a part must be responsible for that which has been done in relation to this principle." The President went on to say that the Lord had required many things of the Latter-day Saints that they had been prevented from doing, mentioning, in particular, the requirement to build temples in Jackson County, Missouri, and at Far West, in that State. He then added: "It is not wisdom for us to go forth and carry out this principle against the laws of the nation. * * * The Lord has given us commandments concerning many things, and we have carried them out as far as we could; but when we cannot do it, we are justified. The Lord does not require at our hands things that we cannot do. * * * The Lord will never permit me nor any other man who stands as the President of this Church to lead

you astray. It is not in the program. It is not in the mind of God. If I were to attempt that, the Lord would move me out of my place."

The Question of Sincerity.—The effect of the "Mormon" President's official utterance upon those most favorable to the disfranchisement legislation, was quite dispiriting. It came as a surprise—almost as a shock to them. They at once questioned the sincerity of the declaration, denouncing it as a sham, a trick to deceive the Nation and gain a temporary advantage. Many of the "Anti-Mormons" continued to make this assertion long after the conservative "Gentiles" had accepted the Manifesto as sincere.

One of the first to recognize it as genuine, and allow it to influence his official course, was Chief Justice Zane. He had repeatedly expressed the wish that the President of the Church would issue such a statement, and now that it had come, he was glad, and received it in good faith. The day after its ratification by the Conference, Judge Zane, while examining in court certain applicants for citizenship, remarked: "Hereafter I will not make the simple fact that an applicant is a member of the 'Mormon' Church a bar to his admission." Judge Anderson was not so soon converted, but eventually he took the same ground, sustaining the Chief Justice in his modified attitude.

The Question of Scope.—About a year after the date of the Manifesto, the question of its scope, as affecting not only polygamous marriages, but also the continuance of polygamous living was made the subject of a searching inquiry before Judge C. F. Loofbourow, at Salt Lake City. In explanation of this action, it should be known that the United States Supreme Court had decided that all Church property in the hands of the Receiver should remain there pending further action by the Utah courts, and Judge Loofbourow had been appointed a Master in Chancery, to take testimony and determine the uses to which the escheated property might best be applied. The Receiver at that time was Henry W. Lawrence, who had succeeded Marshal Dyer as Government custodian of the property.* The hearing before the Master in Chancery took place in October, 1891. Among the witnesses examined were Presidents Woodruff, Cannon and Smith, and Elders Lorenzo Snow and Anthon H. Lund, of the Council of the Twelve. According to their testimony, the Manifesto enjoined obedience to the laws of the land enacted against

*Marshal Dyer resigned the Receivership July 14, 1890, and Mr. Lawrence was appointed two days later. The latter was succeeded by Leonard G. Hardy, Bishop of the Second Ward, Salt Lake City, who received his appointment November 12, 1892.

plural marriage, both as to the ceremony and the cohabitation thereunder.

A Sentiment of Toleration.—Cases of unlawful cohabitation continued to be prosecuted as fast as they came to the knowledge of the Government officers. But gradually a sentiment grew—and it was shared by all classes of the community —that men who had married polygamously before the date of the Manifesto, should not be interfered with for living with their plural families while caring for and supporting them. No more polygamous marriages were to be entered into, but time was to be given for plural relationships already existing to pass away by natural processes, and men involved in such relations were not to be compelled to desert their wives and children and cast them adrift. This was the general understanding among "Mormons" and "Gentiles." Even the "Anti-Mormons" acquiesced in the non-prosecution of such cases, and favored a tolerant policy in relation to them. Consequently such prosecutions ceased.

General Effect of the Manifesto.—No event in the history of the commonwealth has been more prolific of results than the issuance of the Manifesto. One source of the all but incessant strife, one great obstacle to the admission of the Territory into the Union, was at length removed. The Cullom-Struble bill failed to pass; Utah continued free; and "Mormons" and "Gentiles," joining hands, began to work unitedly for Statehood.

OLD CITY HALL, SALT LAKE CITY.

XXXIII.

PREPARING FOR SOVEREIGNTY.

1890-1895.

National Party Lines.—The time now seemed propitious for organizing in Utah the Democratic and Republican parties. Since 1872 they had maintained a shadowy sort of existence in the Territory, but beyond sending delegates to and keeping in touch with the great political gatherings held in various parts of the country, they had accomplished little or nothing. Most of the citizens, Republicans or Democrats by tradition, were arrayed against each other on strictly local lines, and general politics were practically ignored. The triumph of the National Democracy, in 1884, rolled a wave of enthusiasm over Utah, the majority of whose inhabitants were Democratic in their sympathies, and, as already shown, certain members of that party organized a club and started a paper. But this effort soon spent its force. Four years later "The Sagebrush Democracy" launched its vigorous but short-lived movement. Meanwhile the local strife continued, the Liberals gradually making headway in a few towns and counties, and the people, whenever the fight was general, sweeping away all opposition. Now, however, a decisive change had come, and it was felt on both sides that these parties should disband. Having fulfilled their mission, they stood in the way of progress.

Utah Democrats.—This sentiment, even before the issuance of the Manifesto, had led to the organization of a Democratic Club, which had its first meeting in April or May, 1890, at the office of United States Marshal Dyer. "Mormons" as well as "Gentiles" were present, and Colonel H. C. Lett acted as chairman. The subject of disbanding home parties and introducing the national alignments was discussed, and a committee appointed to further agitate the question. On the 10th of May, at an open air meeting held under the auspices of this club, a memorial was adopted denouncing the Cullom-Struble bill, and demanding fair treatment and truthful reports from the Associated Press upon local affairs. As a result of this agitation, the Democratic Party of Utah came into existence during the spring and summer of 1891.

President Harrison's Visit.—Early in that year President Benjamin Harrison paid the Territory a visit. He was returning from California and the Northwest, after a tour of the Nation, and spent a day—Saturday, May 9th,—at Salt Lake City. He had been met at Pocatello, Idaho, by Governor Thomas, Delegate Caine, and other citizens, who escorted him

to the Utah capital. Included in the President's party was his wife, also Postmaster General Wanamaker, Secretary Rusk, and other persons of prominence. Their special train reached Salt Lake at four o'clock in the morning. The town was in gala attire, to welcome the Chief Magistrate. After an informal reception at the Walker House, and the presentation to President Harrison, by Governor Thomas, in behalf of the people, of a silver tray made of metal from the Ontario Mine, a procession was formed to accompany the visitors to Liberty Park, where a program of speeches and music was to be rendered.

PRESIDENT HARRISON.

"And a Little Child Shall Lead Them."—The procession, after leaving Main Street, was passing up South Temple, and had arrived opposite B Street, when a vision of beauty burst upon the view. Covering the gently sloping hillside for more than a block, stood an army of school children, six or seven thousand in number, all tastefully attired, each waving a tiny American Flag, and cheering for the President of the United States. The procession halted, and Harrison stood with uncovered head, while the little ones sang "America" and "The Star Spangled Banner," keeping time to the music with their flags. In a voice tremulous with emotion, the President then addressed them:

"Children, in all our pleasant journeyings through the sunny South—the land of flowers—and amidst the joyous greetings of loyal people throughout our free and venerated country, we have witnessed nothing so extremely lovely as this inspiring and unexpected sight. Such perfect arrangement, such beautiful singing, such concerted action of an almost numberless multitude of children, waving a forest of banners emblematical of independence and liberty, present a picture and offer a welcome that the lapse of time will not erase from our memories. You, children from the schools established and guarded by your public authorities, are fitting yourselves for usefulness, citizenship, and patriotism (here the speaker was interrupted by three hearty cheers from the children)—and in you lies the hope of Utah and the glory of our country. In conclusion, I thank you for this feeling demonstration, and invoke the choicest blessings of a beneficent country and a still more beneficent Creator upon you."

At Liberty Park.—At the Park President Harrison, Secretary Rusk, and General Wanamaker addressed the people. Upon the recent admission into the Union of North and South Dakota, Washington, Montana, Idaho and Wyoming, the Chief Magistrate expressed himself in glowing terms. He then spoke of Utah's prospects for Statehood, and said: "I have no discord as a public officer with men of any creed, religious or political, if they will obey the law. My oath of office, my public duty, requires me to be against those who violate it. * * * The foundation of American life is the American home. That which characterizes and separates us from nations whose political experience and history have been full of strife and discord, is the American home, where one mother sits in single uncrowned honor, the queen of her home. And now, my countrymen, I beg to assure you that in every hope you have for Utah, running on these lines of free government, on these lines of domestic and social order, I have for every one of you the most cordial greeting, and enter with you into your most gorgeous hopes. God bless and keep you all, and guide you in those same paths of social purity and order and peace that shall make you one of the greatest commonwealths in the American Union." After the proceedings at Liberty Park, the visitors attended the opening of the new Chamber of Commerce Building, and then took train for the East.

Utah Republicans.—Eleven days later, at a mass meeting in the Salt Lake Theatre, it was proposed to organize the Republican Party of Utah. A strong adverse sentiment developed, but was overcome by a vote of two to one, and a committee of "Mormons" and "Gentiles," including such names as James Sharp, John Henry Smith, Charles W. Bennett, and H. G. McMillan, was appointed to publish an address to the people, favoring the organization of national political parties in the Territory. Immediately after the publication of that address, the Central Republican Club was formed, and the organization of the Republican Party soon followed.

The People's Party Disbands.—The People's Party went out of existence on the 10th of June, when its Territorial Committee met and adopted a resolution dissolving the organization, leaving those belonging to it "free to unite with the great national parties according to individual preference." Republicans were fewer than Democrats at that time, for the reason that many having Republican principles held aloof from politics at the beginning, while others of similar leanings constituted the majority of the Liberty Party, which had not yet decided to disband.

The Liberal Attitude.—Most of the Liberal leaders and their followers were strongly opposed to the new political movement. They distrusted the sincerity of the People's Party, or those until recently connected with it, charging that they had dissolved their organization at the dictum of the Church, and that it was a plot to divide the Liberals and place the political control of the Territory in "Mormon" hands for purposes adverse to "Gentile" interests. They declared that the Priesthood claimed the right to direct the people how to vote at all times, and that if Utah became a State the "Mormons," through their Church-influenced Legislatures, would enact laws oppressive to the "Gentiles," even to the virtual confiscation of their property.

From the Church Leaders.—In a conciliatory reply to these accusations, the First Presidency made a statement in the form of an interview, published in the Salt Lake Times, embodying substantially, though at greater length, the following propositions:

1. The Church will not assert any right to control the political actions of its members. The officers of the Church disclaim such right.

2. There will be no reason for the members of the Church to come together and vote solidly if political conditions in Utah are similar to those which prevail elsewhere.

3. However much appearances may have indicated that the "Mormon" people favor such a condition, there is no real disposition among them to unite Church and State; in fact, there should be a separation between the two.

4. It is the wish of the "Mormon" people to unite with the great national parties and conduct politics in Utah as they are conducted in all other States; there is no reason why the members of the Church should not act freely with the national parties at all times.

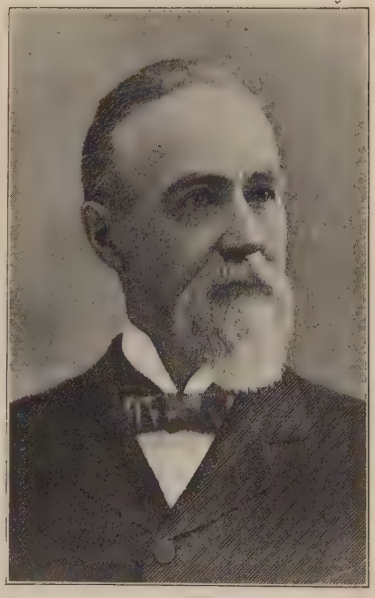
5. It is conceded that there is nothing to be gained for the Church by securing for it political control in Utah, with or without Statehood; the members and leaders of the Church desire to place it in a position in the community like that occupied by other religious bodies; the only protection the "Mormon" Church desires is that which it would obtain under general laws which secure the rights of all denominations. It would be unwise for the "Mormon" people to endeavor to receive any advantages not shared in by all other religious people. All that is asked for the Church is that it shall have equal rights before the law.

First Election After National Alignments.—In August occurred the first election in Utah after the division on national party lines. The election was for County officers and

members of the Legislature, and three tickets were in the field—Democratic, Republican and Liberal. Excepting Salt Lake County, where the Liberals elected almost their entire ticket, the Democrats were victorious throughout the Territory; the Republican vote being comparatively small.

Legislature of 1892.—The Legislature convening on January 11th, 1892, organized with William H. King as President of the Council, and William H. Seegmiller as Speaker of the House. Among the laws enacted during the session was one providing that all general and local elections should be held on Tuesday following the first Monday in November, 1893, and biennially thereafter. Grand County was created, and the Fourth Judicial District organized; the latter comprising Weber, Box Elder, Cache, Rich and Morgan counties. It was also provided that Utah should be appropriately represented at the World's Columbian Exposition.

Home Rule and Statehood.—Early in 1892 Congress began wrestling with the dual problem of Home Rule and Statehood for Utah; bills favoring both propositions having been presented at Washington. The Home Rule Bill, a Democratic measure, was introduced in the House of Representatives by Delegate Caine, and in the Senate by Senator Faulkner, of West Virginia. Delegations from Utah spoke for and against it before the Committee on Territories. Among the advocates of Home Rule were Harvey W. Smith, Charles C. Richards, John W. Judd, Franklin S. Richards, Thomas J. Anderson, Joseph L. Rawlins, Frank H. Dyer, and Caleb W. West. Its principal opponents were Orlando W. Powers, Clarence E. Allen, Charles W. Bennett, and John Henry Smith. Some of these argued for Statehood rather than against Home Rule. The Republicans originated the Statehood Bill, which was introduced by Senator Henry M. Teller, of Colorado. The Utah Delegate also introduced a bill for an Enabling Act. But none of these measures passed through Congress.



O. J. SALISBURY.

Pardon for Polygamists.—While the Home Rule Bill was being considered, a petition was presented, signed by the First Presidency and Twelve Apostles of the Church of Jesus Christ of Latter-day Saints, asking amnesty for all polygamists. This petition, dated at Salt Lake City, Decem-19, 1891,and endorsed by Governor Thomas, Chief Justice Zane, and other "Gentiles," was read by Delegate Caine before the Senate Committee on Territories, and became a part of the published proceedings of that body. President Harrison, on January 4, 1893, issued a proclamation of pardon to polygamists for past offenses, with a recommendation that future infractions be vigorously prosecuted. The pardon was limited to those who, since November 1st, 1890, had abstained from unlawful cohabitation. Agreeable to the terms of this proclamation, the Utah Commission ruled that former polygamists might vote at elections in this Territory.*

To the National Conventions.—The Territorial Conventions of the newly organized parties sent strong delegations to the National Conventions in 1892. At Chicago, John T. Caine and Henry P. Henderson assisted to nominate Grover Cleveland for his second term as President. The Democratic Liberals, who had organized the Tuscarora Club, sent their Grand Sachem, Judge Powers, with Mayor Kiesel, to the same convention; but they were refused admission. At Minneapolis O. J. Salisbury and Frank J. Cannon sat in the Republican Convention, which also admitted C. C. Goodwin and C. E. Allen, representing the Republican wing of the Liberal Party. Each one of the four was given half a vote.

DELEGATE RAWLINS.

Rawlins Elected Delegate.—The ensuing autumn witnessed a triangular political battle for the Delegateship; Jo-

*About a year later the Commission was reorganized, with Utah men as its members, namely J. R. Letcher, George W. Thatcher, A. G. Norrell, Hoyt Sherman, Jr., and E. W. Tatlock. One of these was a "Mormon"—Mr. Thatcher, who resided at Logan.

seph L. Rawlins leading the Democrats, Frank J. Cannon the Republicans, and Clarence E. Allen the Liberals. A spirited campaign throughout the Territory ended in a debate between the Democratic and Republican candidates, at the Salt Lake Theatre, on the evening of November 7th. Next day the issue was decided at the polls. Church influence, in the interest of Mr. Cannon, was alleged to have been used at this election, but the charge was denied. Mr. Rawlins was elected by a plurality of nearly three thousand. The Delegate-elect took his seat in the House of Representatives at the opening of the extra session of the Forty-third Congress, during August, 1893.

Democracy Again Triumphs.—Meanwhile the National Democracy had again prevailed, and once more Grover Cleveland was President. In April of that year Caleb W. West was re-appointed Governor of Utah, and in May Charles C. Richards became Secretary. Mr. Richards was a native of the Territory and a prominent lawyer of Ogden. He had been active in organizing the Democratic Party throughout Utah. About the same time Nat M. Brigham, originally from Massachusetts, but for several years a resident of Salt Lake City, was made United States Marshal. In January, 1894, Samuel A. Merritt, a prominent member of the Utah Bar, succeeded Charles S. Zane as Chief Justice. The latest appointed Associate Justices were Harvey W. Smith and James A. Miner, the latter presiding over the newly created Fourth District.

SECRETARY RICHARDS.

The Salt Lake Temple Dedicated.—An event of special import to most of the people of Utah, and of general interest to all, occurred in April, 1893, when the completed Salt Lake Temple, which had been in course of erection for forty years, was dedicated with solemn and impressive ceremonies. None but Latter-day Saints were admitted to the dedication—this being the rule of the Church—but before that event a special invitation was extended by the General Authorities to prom-

SALT LAKE TEMPLE.

inent "Gentiles," requesting all who so desired to pass through and inspect the interior of the sacred edifice. The invitation was accepted, quite a procession of "outsiders" availing themselves of the rare and unlooked for privilege. The Salt Lake Tribune ,which was still the organ of the Liberal Party, expressed its high appreciation of an act of courtesy which it said had placed them under a sense of deep obligation.

The dedication, beginning on the 6th of April—the sixty-third anniversary of the organization of the Church—was continued from day to day for the accommodation of the people thronging from every quarter, the original ceremony being repeated until all had had the opportunity to witness it. The proceedings were under the direction of President Wilford Woodruff and his Counselors.

Utah at the World's Fair.—In the selection of National Commissioners to look after Utah interests at the World's Fair (Chicago, 1892-1893), President Harrison had named P.

H. Lannan and F. J. Kiesel, both "Gentiles," residents respectively of Salt Lake City and Ogden. For a like purpose, Governor Thomas had appointed as Territorial Commissioners two "Gentiles"—Robert C. Chambers and Richard McIntosh—and one "Mormon"—Nelson A. Empey; all of Salt Lake City. These gentlemen, with an army of aids, male and female, labored zealously and successfully for the accomplishment of the important undertaking. At the head of a board of Lady Managers stood Mrs. Emily S. Richards, wife of Franklin S. Richards, of Salt Lake City. Among her associates were Mrs. Jane S. Richards, of Ogden; Mrs. Electa Bullock, of Provo; and Mrs. Luna Y. Thatcher, of Logan. These ladies were all members of the "Mormon" Church.

ROBERT C. CHAMBERS.

On the Fair Grounds an eligible site was secured and a suitable building erected, in which a creditable exhibition representing Utah's resources and attractions was maintained during the continuance of the Exposition. The approach to the Utah Building was a reproduction of Eagle Gate, and upon the lawn stood Dallin's bronze statue of Brigham Young, now part of the Pioneer Monument at Salt Lake City. The Territory placed additional exhibits in the Agricultural, Manufactures, Mining, Fine Arts, Educational, Archaeological Ethnological, and Women's departments. Among the most attractive features was the silk display, which created widespread favorable comment. A costly pair of silk curtains, beautifully embroidered in the design of a honey bee, testified to the skill and taste of ladies of Salt Lake and Ogden. The curtains were designed for the Woman's Building—projected but never built—and were presented to Mrs. Potter-Palmer (whose husband had subscribed two hundred thousand dollars toward such a structure) by Mrs. O. J. Salisbury, representing the women of Utah on that occasion. The cost of preparing and maintaining these exhibits was over sixty thousand dollars, about one-third of which was returned in materials, articles and other property, going to equip various home insti-

NELSON A. EMPEY.

tutions, notably the Deseret Agricultural and Manufacturing Society and the University of Deseret.

Utah day at the Fair was the 9th of September, the forty-third anniversary of the organization of the Territory. Governor West, President Woodruff, and other leading citizens were present and made speeches on the occasion. In the great Choral Contest the Tabernacle Choir of Salt Lake City won second prize, and in the opinion of many merited the first. This splendid body of singers had set out for Chicago in company with the First Presidency and others, the entire party numbering about four hundred persons. The Choir gave concerts in some of the large cities en route. One of the places visited was Independence, Jackson County, Missouri, from which section, sixty years be- Saints had been expelled by violence. Now the "Mormon" leaders were hospitably received, the Mayor of Independence coming out to meet them, and delivering a speech of welcome. They were also kindly treated at Chicago, where the Choir presented Director General Davis with a cane made by one of its members from a piece of mountain mahogany.

The Religious Parliament.—Very different was the treatment meted out to the "Mormon" representative, Elder B. H. Roberts, at the World's Parliament of Religions, an adjunct to the great Fair. In re-

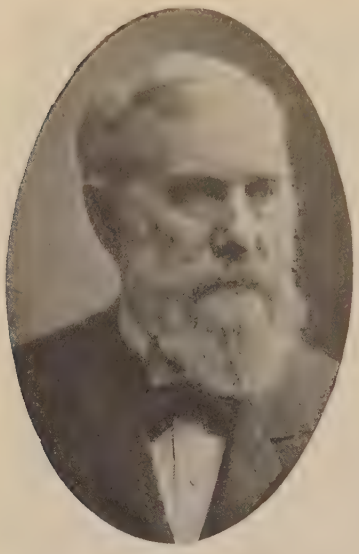
MRS. EMILY S. RICHARDS.

sponse to a general invitation, issued by the directors of the Parliament to the religious societies of every country, Elder Roberts had been appointed by the Presidency of the Church to represent the Latter-day Saints; but when he applied for permission to speak from the same platform where Christian, Buddhist, Mohammedan, and Jew had stood voicing their religious views, he was denied that privilege; a manifestation of bigotry hardly looked for, and entirely inconsistent with the avowed purpose for which the Parliament had been summoned.

MRS. ELECTA BULLOCK.

Liberals Defeated by Fusionists.—Following the example of Ogden, where, in February, 1891, voters of all parties, uniting, had taken from the hands of the Liberals the reins of government, the Independent Citizens of Salt Lake City—"Gentiles" and "Mormons"—put up a fusion ticket, and at the November election in 1893, secured all the municipal offices excepting Treasurer and five members of the City Council. The Independent ticket was headed with the name of Robert N. Baskin, who was thus given a second term as Mayor of Salt Lake City, the Liberals having elected him two years before. Judge Baskin, during his first term, had come out strong against the extravagance and misrule of his own party administration, and it was in recognition of his commendable attitude that the Independents made him their candidate. While Mr. Baskin was Mayor, the Salt Lake City and County Building was erected on Washington Square.

Governor West for Statehood.—Governor West, reporting to the Secretary of the Interior in October, 1893, said: "We now have a population of about 250,000. An assessed taxable valuation of $109,000,000. It is scarcely necessary to dilate upon or go into particulars as to Utah's population, wealth, stability, and material development, entitling her to Statehood. * * * A small minority continue to interpose objections to the conferring of this great boon upon the Territory. It affords me pleasure, however, to be able to state that this class is constantly growing less and its numbers rapidly decreasing. Our people, afteryears of earnest effort, have



MAYOR BASKIN.

peacefully solved their difficulties and satisfactorily settled their differences. The salutary lessons inculcated in the school of actual experience have admirably trained and fitted them for the duties and responsibilities of State Government." The Governor also recommended the return to the "Mormon" Church of its property, seized and held under the operations of the Edmunds-Tucker Act.

Personal Property Returned.—A movement to restore the personal property, which had been taken without warrant of law, was already on foot, Delegate Rawlins having presented to Congress, during September, a resolution to that end. This property was valued at about four hundred thousand dollars. It has already been shown how the Supreme Court at Washington decided (May, 1891), that all the Church property then in the hands of the Receiver should remain there pending further action by the Utah courts; and how, in order to determine the uses to which it might best be applied, the Supreme Court of the Territory appointed Judge Loofbourow a Master in Chancery, to take testimony in the case, which was heard by him in October of that year. The Master in Chancery filed his report in January, 1892, recommending that the property be devoted to the benefit of the public schools. In July the Court directed the Receiver to turn over to the Secretary of the Interior the escheated real estate, and later authorized the use of the personal property for building and repairing houses of worship and for the support of the poor. Leonard G. Hardy, "Mormon" and Bishop of the Second Ward, Salt Lake Stake, was appointed a trustee for that purpose. He filed his bond, but before he could enter upon the discharge of his duties, Congress enacted the Rawlins resolution restoring the personal property to the Church. The date of approval by the President was October 25, 1893.*

*By the resolution, the personal property and money of the Church of Jesus Christ of Latter-day Saints, not arising from the sale or rents of real estate since March 3, 1887, was "restored to said Church, to be applied under the direction and control of the First Presidency of said Church to the charitable uses and purposes thereof."

The Liberal Party Dissolves.—The general election in November of that year placed in the Legislative Council five Democrats, five Republicans, and two Liberals; while eight Democrats, ten Republicans and six Liberals were in the House. Soon after the election the Tribune advised the Liberals to dissolve their organization and unite with the national parties, which were growing in strength daily. Accordingly, the Convention that had nominated their ticket, re-assembling, adopted a resolution declaring the Liberal Party dissolved. It was understood that those elected as Liberals would act in the Legislature with their respective parties, as Democrats or Republicans.

The Enabling Act.—The bill destined to become "The Enabling Act," under which Utah was admitted into the Union of States, was drafted by Delegate Rawlins, and by him presented in the House of Representatives on the 6th of September, 1893. Referred to the Committee on Territories, and reported back with an amendment, it was debated two days, passing the House on the 13th of December. While speaking to the question, Mr. Rawlins made a vigorous and telling reply to Representative Morse, of Massachusetts, who had denounced the people of Utah as criminals and vagabonds, imputing to their Delegate a sinister motive in proposing Statehood for the Territory.*

"An Act to Enable the People of Utah to Form a Constitution and State Government, and to be Admitted into the Union on an Equal Footing with the Original States," having passed House and Senate, was approved by President Cleveland on the 16th of July, 1894. It authorized the holding of a Constitutional Convention,† to be composed of one hundred

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*Rawlins, after reminding Morse that conditions had changed in Utah, said: "There is less polygamy, as shown by the records for the last ten years in Utah, made known and which has come to light, in proportion to population, than there has been in the same time in the State of Massachusetts." Laughter and applause greeted this remark, and the Delegate continued: "When an entire people is arraigned by any gentleman, he certainly ought to be prepared with some evidence to justify what he says. And when a gentleman arises upon this floor, as the gentleman from Massachusetts did, and makes the assertion with respect to the people of Utah, that they are murderers, polygamists, thieves, vagabonds, and is not able to produce one syllable of evidence to justify his statement, * * * he ought to hang his head in shame. He is not worthy to represent a civilized people" (Applause).

†The Delegates were apportioned as follows: Beaver County, two; Box Elder, four; Cache, eight; Davis, three; Emery, three; Garfield, one; Grand, one; Iron, one; Juab, three; Kane, one; Millard, two; Morgan, one; Piute, one; Rich, one; Salt Lake, twenty-nine; San Juan, one; Sanpete, seven; Sevier, three; Summit, four; Tooele, two; Uintah, one; Utah, twelve; Wasatch, two; Washington, two; Wayne, one; Weber, eleven.

JOHN HENRY SMITH.

and seven delegates, who were to meet at the capital of the Territory on the first Monday in March, 1895, and frame the fundamental law of the proposed State.

A Republican Victory.—The election of delegates to the Constitutional Convention took place on the 6th of November, 1894. At the same time a Delegate to Congress was chosen, to succeed Mr. Rawlins, whose term was about to expire. Again he had been made the candidate of his party, and once more the Republicans had put forward Frank J. Cannon, whom Rawlins had defeated two years before. That result was now reversed; Cannon defeating Rawlins. The Republicans also elected sixty members of the Constitutional Convention, giving them a majority of thirteen in that body. The extent of this victory was owing to the dissolution of the Liberal Party, most of whose adherents had ranged themselves under the Republican banner. The conversion of an element hitherto neutral in politics had also strongly reinforced that organization. Above all, the general cry of "Hard Times" was effectual against the party in power.

The Constitutional Convention.—The Constitutional Convention met in the House of Representatives, Salt Lake City and County Building, on Monday, March 4, 1895, and organized with John Henry Smith as President. This gentleman was a son of the Pioneer, George A. Smith, who is said to have planted the first potato in Salt Lake Valley. The Convention was in session for sixty-six days, and the result of its labors was the Constitution of the State of Utah. It differed from the Constitutions of most of the States in that it accorded to women equal suffrage with men, and provided by ordinance, irrevocable without the consent of the United States and the people of Utah, that polygamous or plural marriages were forever prohibited.

In an address to the people, submitting to them the Constitution, the members of the Convention thus expressed themselves: "If with Statehood there will be a slight increase in taxes, the compensating advantages will cause the increased

expense to be forgotten. We shall be able to utilize the magnificent gift of over seven million acres of land from our generous Government; we shall be able to secure capital for our mines; under the shield of Statehood thousands of people will seek homes in our climate, assist to develop our wondrous and varied resources, and rejoice in the manifold blessings bestowed by Nature upon our highly favored commonwealth. When we reflect that this instrument will secure to us in its highest sense local self-government, with State officers of our own selection, and courts for the swift, capable, and economical administration of the laws by judges of the people's choosing; that it will give us a school system abreast of the foremost in the Union, with power to utilize the lands donated to our educational institutions; give us a voice in the election of Presidents, also two Senators and one Representative to present the claims of our new State in the Congress of the Nation; add the Star of Utah to the hallowed ensign of the Republic; bestow upon us full sovereignty with all that this majestic term implies, and thus draw to us capital and population, and invest us with a dignity that could never attach to a Territorial condition, with steadily swelling confidence we submit this Constitution to the consideration of the people of Utah, in the certain belief that they will, by an overwhelming majority, endorse and ratify our work."

Constitution Ratified—State Officers Chosen.—The Constitution was ratified by an immense vote, and at the same time the first State officers were chosen. Three tickets had been nominated—Republican, Democratic and Populist. The Republican ticket was victorious, standing as follows: Governor Heber M. Wells, Justices of the Supreme Court Charles S. Zane, George W. Bartch, and James A. Miner, Secretary of State James T. Hammond, Attorney General A. C. Bishop, Treasurer James Chipman, Auditor Morgan Richards, Superintendent of Public Instruction John R. Park. The Republicans also elected Clarence E. Allen, Representative in Congress, and secured a majority in the State Legislature.

The District Judges were Charles H. Hart, Henry H. Rolapp, Ogden Hiles, John A. Street, Morris L. Ritchie, Ervin A. Wilson, Edward V. Higgins, William H. McCarty, and Jacob Johnson. Judges Hart, Rolapp, Hiles, and Wilson were Democrats; the remainder, Republicans.

Immediately after the acceptance of the State Constitution by the people of the Territory, an engrossed copy of the instrument, duly certified by the Utah Commission, was forwarded to Washington and submitted to the President of the United States.

XXXIV.

THE FORTY-FIFTH STATE.

1896-1897.

Announcement of Utah's Admission.—All was now ready for the President's proclamation announcing the admission of Utah into the Union. Such a proclamation, it was understood, would issue from Washington, if the Constitution and Government of the proposed State were found to be republican in form, with all the provisions of the Enabling Act complied with by the people of the Territory. The eagerly-awaited tidings came during the forenoon of Saturday, January 4th, 1896, and were greeted throughout Utah with joyful enthusiasm. At the capital the reception of the news was made known by the firing of a shot in front of the Western Union Telegraph Office; a signal that set bells to ringing, whistles blowing, and guns firing, all over town, in celebration of the event. The day was bright, and everybody jubilant.

GOVERNOR WELLS

Inaugural Ceremonies.—The ceremonies of inauguration were reserved for Monday the 6th, and the Tabernacle, the largest auditorium available, was utilized for the purpose. It was draped with American flags, one of them measuring a hundred and fifty feet in length, by seventy-five in width. Hanging from the concave dome near the great organ, it covered the entire space between the ends of the galleries. Upon this flag the forty-fifth star was illuminated; that being Utah's number in the national constellation. High up between the organ pipes, above the dates 1847 and 1896, hovered with outspread wings an effigy of the American eagle, while below blazed the word "Utah" in electrical display. More than ten thousand people thronged the spacious interior, while other thousands stood

outside, unable to gain admittance. Upon the stand were many leading citizens, including the authorities of the Territory, Fort Douglas officers, and the newly-elected servants of the people.

Governor West being absent, Secretary Richards presided over and directed the proceedings. They began at thirty minutes past the noon hour, with preliminary remarks by the Chairman, and music from the United States Sixteenth Infantry Band. This splendid organization, with the equally excellent Denhalter Band, rendered various selections during the progress of the meeting. The opening prayer was offered by President George Q. Cannon, in behalf of President Woodruff, who was present, but in feeble health. A chorus of one thousand children, all waving flags and keeping time to the conductor's baton, then sang "The Star-Spangled Banner."

Ex-Delegate Rawlins, taking the stand, read the proclamation by which Utah had been admitted into the Union, and addressed to the Governor-elect these words: "I now have the honor to present to you, the first Governor of the new State of Utah, the pen used by the President of the United States, ten minutes before midnight, July 16, 1894, to sign the bill under which Utah has become a State. I present it to you in order that it may be preserved in the archives of the Commonwealth." The pen was handed to Governor Wells amidst applause and cheers from the multitude.

Governor Wells.—The new Executive was introduced by Acting-Governor Richards, who, in behalf of the Federal Government, surrendered the offices and public affairs of the Territory into the keeping of the State. The oath of office was administered to Governor Wells and his associates by Chief Justice Zane, who had been sworn in previously. The Tabernacle Choir sang "Utah, We Love Thee," written and composed for the occasion by their leader, Professor Evan Stephens, and Secretary of State Hammond read a proclamation from the Governor, convening the Legislature in special session that afternoon.

Governor Wells then delivered his inaugural message. Beginning with a tribute to the Pioneers, he congratulated them and the citizens in general that Utah had become a State. He also congratulated the State and Nation upon the Territory's admission, and related the various efforts made by the founders of the commonwealth to give the event an earlier date. The fact that Chief Justice Zane, a "Gentile," had been chosen for the highest judicial office, and himself, a "Mormon," for the first executive office in the new State, was cited as a

proof that old wounds had been healed and old animosities buried. The speaker recounted Utah's material wealth and resources, advocated the construction of a railroad to the South and West, and called attention to the prospective opening of the Uintah and Uncompahgre Indian reservations to white settlement and occupancy. Woman Suffrage, which the Governor had helped to place in the State Constitution, was made the subject of a complimentary allusion. The speech closed with an exhortation to continued patriotism on the part of the people, and a portrayal of the glorious privileges of citizenship in a free and sovereign State.*

At the conclusion of the Governor's address, the Choir sang "America," and Reverend Thomas C. Iliff, of the Methodist Church, pronounced the benediction. To the strains of "Hail Columbia," by the Sixteenth Infantry Band, the great throng poured out into the sunlight, and the inaugural proceedings of the State of Utah passed into history.

First State Legislature.—Immediately after the exercises in the Tabernacle, the first and special session of the State Legislature convened at the Salt Lake City and County Building, the regular place of assembly for the local law workers until the completion of the State Capitol. George M. Cannon was President of the Senate, and Presley Denney, Speaker of the House. It devolved upon this Legislature to elect two United States Senators, one for four years and the other for one year, according to the provisions of the Federal Constitution. Frank J. Cannon was given the long term, and Arthur Brown the short term, by the Republican majority of the Joint Assembly. Everything necessary was done to set in motion the machinery of the State Government, and the alloted ninety days allowed by the State Constitution for this special session, were more than consumed by the proceedings. Each subsequent biennial session was to be limited to sixty days.

Escheated Real Estate Returned.—Statehood year was made memorable to the Latter-day Saints by the return of the Church's real property, taken by the Federal Government under the provisions of the Edmunds-Tucker Act. The confis-

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*Governor Heber M. Wells, son of General Daniel H. Wells, was born in Salt Lake City, August 11, 1859. Of versatile gifts, including a marked predilection for the drama, he early displayed aptitude for clerical and executive work, and was for many years City Recorder, also serving frequently as Minute Clerk and Chief Clerk in the Legislature. In 1895 he was a member of the Constitutional Convention, elected over Judge Henry P. Henderson, Democrat, in the Fourth Precinct of Salt Lake City. His Democratic opponent for Governor was John T. Caine, whom he had succeeded as City Recorder when the latter became Utah's Delegate in Congress.

cated personal property was already restored, and now a joint resolution of Senate and House, approved by President Cleveland March 28, 1896, returned in like manner the escheated real estate.

In September, 1894, President Cleveland had supplemented President Harrison's proclamation of amnesty, by granting pardon and restoring civil rights to all persons disfranchised by the anti-polygamy laws, excepting such as had not complied with the terms laid down by his predecessor. Congress and the Supreme Court of the Nation had previously decided that polygamous children born within a year after the passage of the Edmunds-Tucker law, were legitimate and entitled to inherit after their fathers. Governor Wells, in an

FEDERAL BUILDING, SALT LAKE CITY.

early message to the Utah Legislature, recommended the enactment of a law legitimating polygamous children born before the first of January, 1897; and such a measure was accordingly passed and approved.

Political Pot-Boilings.—Meanwhile there were various mutations in the field of politics. The Democratic Territorial Convention, held at Ogden in the autumn of 1895, had nominated by acclamation Moses Thatcher and Joseph L. Rawlins for United States Senators, to be voted for in the first Joint Assembly of the State; but the Republicans having a majority in that body, Cannon and Brown were chosen, as already mentioned. In April, 1896, the General Authorities of

the Church of Jesus Christ of Latter-day Saints issued their "Political Manifesto," requiring leading men of that organization, before accepting civic office the duties of which would interfere with their ecclesiastical engagements, to obtain consent from those above them in the Priesthood. Mr. Thatcher, refusing to sign this declaration, or to be governed by it, was no longer upheld as one of the Council of the Twelve. In protest against the Church's attitude, which, though general, they interpreted as favoring the Republican cause, the Democrats reconvened their Ogden convention and passed resolutions of disapproval.

Legislature of 1897.—Pursuant to action taken at the special session on Inauguration Day, the Utah State Legislature opened its first regular session at Salt Lake City, on January 11, 1897. Aquilla Nebeker was President of the Senate, and John M. Perkins Speaker of the House. By that time the political complexion of the law-making body had changed, the Republican majority of 1896 having been superseded by a Democratic majority, owing to the revulsion of feeling throughout the West over the attitude of the National Republican Party on the silver question. The Utah Democracy elected not only a majority of the Legislature, but also the Representative in Congress; Clarence E. Allen being succeeded by William H. King.*

WILLIAM H. KING

Rawlins Chosen Senator.—Early in 1897 the Joint Assembly was the scene of a spirited contest for the election of a United States Senator, to succeed Arthur Brown, whose term was drawing to a close. Day after day the balloting continued, and at last Joseph L. Rawlins, of Salt Lake City, was

*At the St. Louis Convention, where William McKinley was nominated for President (June, 1896), a plank had been inserted in the platform, repudiating bi-metallism and favoring the single gold standard. This action caused the Utah delegates, Frank J. Cannon, Clarence E. Allen, and Thomas Kearns, to walk out of the Convention. At the same time two other Western delegates, Henry M. Teller, of Colorado, and Fred T. Dubois, of Idaho, also severed their relations with the Republican Party.

chosen over his principal rival, Moses Thatcher, of Logan. Nearly the entire vote of the Joint Assembly—eighteen Senators and forty-five Representatives—was divided between Rawlins and Thatcher. The final ballot stood: Rawlins, thirty-two; Thatcher, twenty-nine; scattering, two.

Senator Rawlins took his seat in the upper house of Congress on March 4th of the same year. As a member of the Committee on Public Buildings and Grounds, he introduced bills for the erection of Federal buildings at Salt Lake City and Ogden; the former to cost half a million dollars, and the latter, two hundred thousand dollars. Both measures became laws, and in due time the structures were reared and occupied by the Government offices in these cities.

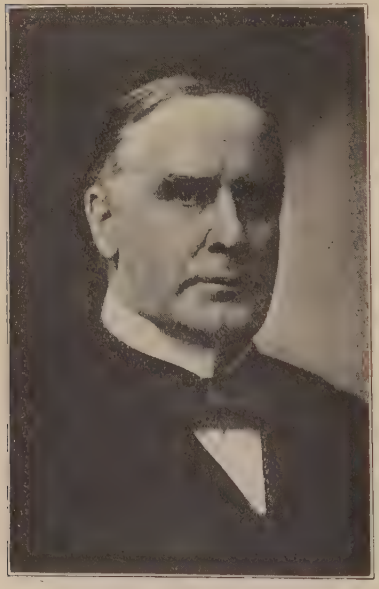
SPENCER CLAWSON

The Utah Jubilee.—Governor Wells, in his earliest messages to the Legislature, recommended the holding of an Inter-Mountain Fair, to commemorate the first half century since the arrival of the Pioneers in Salt Lake Valley. Subsequently, under authority given by the people's representatives, he appointed commissioners, fifteen in number, to conduct the celebration. The Semi-Centennial Commission, as it was called, elected as its executive officers, Spencer Clawson, chairman; E. G. Rognon, secretary; and Mrs. George Y. Wallace, treasurer. The other members were Edward F. Colburn, William B. Preston, Horace G. Whitney, Elias A. Smith, Jacob Moritz, William A. Nelden, H. H. Spencer, Reed Smoot, John D. Spencer, Miss Cora Hooper, Miss Emily Katz, and Mrs. R. C. Easton; all of Salt Lake City except H. H. Spencer, Mr. Smoot, and Mrs. Easton, representing Ogden, Provo, and Logan respectively. The Commission appointed a number of aids, such as Director General Brigham Young, Jr., and Grand Marshal Nat. M. Brigham. H. F. McGarvie was Assistant Director General, and L. C. Johnson Assistant Secretary. Henry W. Naisbitt and Orson F. Whitney were the historians. The Governor appointed County Commisioners, representing all parts of the State. A fund to meet the expenses of the Jubilee was pro-

vided by Legislative appropriation and by contributions from various sources, about seventy thousand dollars being realized. The Commissioners served without pay.

Leading Men Invited.—The leading men of the Nation and of the several States and Territories were invited to the festivities. Among those who responded in person was William Jennings Bryan, who was accompanied by his wife. Both were numbered among the guests of honor. The distinguished Nebraskan was not an entire stranger to Utah, having previously spoken on the silver question at the Salt Lake Theatre, and presided over the ninth session of the Trans-Mississippi Commercial Congress, held in the Assembly Hall at Salt Lake City.

WILLIAM J. BRYAN.



PRESIDENT McKINLEY.

A special invitation, sent by Governor Wells to President McKinley, was delivered at the White House by a committee consisting of President George Q. Cannon, Justice George W. Bartch, Colonel P. H. Lannan, Senator Frank J. Cannon, Senator Joseph L. Rawlins, and Representative William H. King. The President was much pleased, and only the fact that Congress was in session, and he could not absent himself from his post of duty, prevented his presence at the celebration.

The Surviving Veterans.—All the surviving Pioneers and Emigrants of 1847 were invited to the Jubilee as guests

of the State. Those who came were given free transportation from and to their homes. Seven hundred and twenty-seven responses were received, but not half that number were able to attend. Twenty-eight of the original Pioneers were then living, and twenty-six were present at the great festival. The twenty-eight survivors were Wilford Woodruff, Aaron F. Farr, George W. Brown, Thomas P. Cloward, Lyman Curtis, Isaac P. Decker, Franklin B. Dewey, Ozro F. Eastman, Joseph Egbert, Green Flake, John S. Gleason, Stephen H. Goddard, Charles A. Harper, Stephen Kelsey, Levi N. Kendall, Conrad Kleinman, John W. Norton, Charles Shumway, Andrew P. Shumway, William C. A. Smoot, James W. Stewart, Norman Taylor, Horace Thornton, William P. Vance, Hensen Walker, Sr., George Wardle, George Woodward, and Lorenzo S. Young.

EVAN STEPHENS.

The Pioneer Monument.—The first of the five days devoted to the Jubilee saw the unveiling of the Pioneer Monument. That day—July 20th—was ushered in with the booming of cannon, a signal for the gathering of the veterans of 1847 on the Old Fort Square, and their march (318 in number) to the junction of Main and South Temple streets, where, in the presence of an immense throng, the monument was unveiled and dedicated by President Wilford Woodruff, amid cheers and the roar of artillery. The monument, designed by Cyrus Edwin Dallin, a native of Springville, Utah, was presented to the State by the Brigham Young Memorial Association, under whose auspices it had been erected by popular subscription. James H. Moyle made the presentation speech, and Governor Wells the speech of acceptance. An oration by Judge Goodwin, editor of the Salt Lake Tribune; an address by Director General Brigham Young, Jr., the oldest surviving son of the great Pioneer; the singing of "America" by the Tabernacle Choir, and the reading of a congratulatory telegram from Dallin, the sculptor, then in Paris, were among the features of the occasion. Bishop Lawrence Scanlan, of the Roman Catholic Church, closed the ceremonies with a benediction.

The Tabernacle Reception.—During the afternoon of that day, at a reception in the Tabernacle, a badge of honor was

THE PIONEER MONUMENT.

presented to each veteran as a gift from the State, the presentation being directed by the Jubilee Commission, and made by twenty-seven young ladies, representing the twenty-seven counties. The badge, which was of gold, artistically designed and wrought, served as a passport to all the festivities and amusements controlled by the Commission. At the reception a poem written by N. Albert Sherman, and entitled "The Pioneers of Utah," was read by David McKenzie. In the evening, at the same place, "The Pioneer Ode"—words by Orson F. Whitney, music by Evan Stephens—was sung by the Tabernacle Choir (one thousand voices), assisted by the Jubilee Chorus and the Knights of Pythias Band, all led by Pro-

fessor Stephens, with Joseph J. Daynes at the organ.

Additional Features.—Others who lent their talents to the varied program of the Jubilee were B. H. Roberts, R. C. Easton, Viola Pratt Gillette, Madam Amanda Swenson, Professors Thomas Radcliffe, Anton C. Pederson and Charles J. Thomas; also the United States Twenty-fourth Infantry Band, and the Ladies' Philomena Club, of Denver.

A point of special interest during and after the Fair, was the Hall of Relics, built by the Jubilee Commission on the site of the old Council House, now occupied by the Deseret News Building. An elegant though transient edifice, planned after

BRIGHAM YOUNG, JR.

C. E. DALLIN.

the Parthenon at Athens, and suggesting in chaste appearance and classic outlines the structures composing the wonderful "White City" at Chicago, the Hall of Relics, as its name implies, was the repository of collections of curios and souvenirs of Pioneer times, gathered from many sources, catalogued, and placed on exhibition.

Among the open air presentations were "The Pageant of Progress," illustrating the growth of Utah during fifty years; "The Children's Parade," in which ten thousand pupils of the district and sabbath schools took part; "The Illuminated Parade, or Great Salt Lake, Real and Fanciful;" "The Parade of the Counties," comprising floats carrying natural and industrial products; and finally "The Pioneer Parade," the crowning feature of

the festival, and probably the most extensive and varied spectacle of its kind ever seen in the West.

At one of the gatherings in the Tabernacle, President Woodruff was crowned with a wreath of flowers by a beautiful little girl, a granddaughter of President John Taylor. On the day of the Children's Parade, the little ones, as they passed the Pioneer Monument, strewed flowers upon it until the base was hidden. It remained, however, for the grand

FEDERAL BUILDING, OGDEN.

reproduction of the Pioneer Train and Hand-Cart Company to create the climax of pathos and bring tears to almost every eye. In a display of fireworks from Capitol Hill, on the night of the Twenty-fourth, the Jubilee expired in a blaze of glory.

The Book of the Pioneers.—As a fitting finale to their splendid labors, the Commission authorized the compilation of "The Book of the Pioneers," a unique publication in two volumes, bound in native leather, gold, silver, and copper, and containing, in addition to historical and descriptive articles on the Jubilee, the signatures and biographical outlines of all surviving Pioneers and Immigrants who came to Salt Lake Valley during the last three years of the "forties," together with full lists and other data pertaining to the original Pioneer Company. These volumes were compiled by the author of this History, from materials mostly collated by Henry W. Naisbitt. The Book is now in the public archives, having been presented to the State by the Commissioners who conducted so successfully the Utah Pioneer Jubilee.

XXXV.

WAR AND POLITICS.

1898-1916.

Enlistment of Volunteers.—At the outbreak of the Spanish War the Federal Government called upon Utah for five hundred volunteers, to serve in the Nation's cause. It may be mentioned as a coincidence that the same number of men were required from the prospective founders of this State at the time of the enlistment of the "Mormon" Battalion. Then it was the Government's recruiting officer who made known the wishes of his superiors to a people encamped upon the Iowa frontier. Now it was the Governor of Utah who issued a proclamation, inviting young and able-bodied men to enlist. Willard Young, Richard W. Young, John Q. Cannon, Frank A. Grant, Ray C. Naylor, Joseph E. Caine, George E. Downey, and George W. Gibbs were sent as recruiting officers to the principal towns. On May 1st, 1898, five days after the date of the proclamation, Governor Wells telegraphed to the War Department that the full quota of troops had been obtained.

CAPTAIN R. W. YOUNG.

The Utah Batteries.—Utah possessed eight field guns of the latest model, procured from the War Department at the time of the reorganization of the militia under Governor West. It was largely owing to this fact that the State was called upon to furnish two batteries of light artillery at the beginning of the war with Spain. They were mustered into service at Fort Douglas, on the 9th of May, by Lieutenant Briant H. Wells, of the United States Army. Battery A was organized with Richard W. Young, and Battery B with Frank A. Grant, as Captain. The former, who had seen service in the regular army as Lieutenant of Artillery and Captain in the Corps of Judge Advocates, has already received mention in these pages. Captain Grant was originally a Canadian, a graduate of the old Kingston Military Academy, and had resided in this State since 1889, engaged in mining, real estate and insurance busi-

ness. He was Colonel of the First Infantry in the Utah National Guard.*

The A and B Batteries, consisting mainly of "Mormon" and "Gentile" youths, many of them sons of sires who had built up the State, were ordered to report to General Merritt, at San Francisco. They left Salt Lake City on the 20th of May, and under command of General Francis V. Green

*"The Nauvoo Legion," as the Utah Militia was originally styled, had been rendered inactive by Governor Shaffer's prohibitory proclamation of September, 1870, and had been formally abolished by the Edmunds-Tucker Act in 1887. The Legislature, in March, 1894, authorized the Governor to enroll "The National Guard of Utah," to consist of not more than three regiments of infantry, two regiments of cavalry, and two batteries of light artillery. Within the next seven months the artillery, with fourteen companies of infantry and three troops of cavalry, were enlisted. During the years the Territory had been without a militia organization a credit of about eighty thousand dollars had accumulated under the Act of Congress making annual appropriations for the National Guard. Seventy-two thousand dollars of this amount was now expended for uniforms and equipment. The infantry were armed with Springfield rifles, the cavalry with sabers and carbines, and the batteries with eight steel cannon and two Gatling guns. The counties of Salt Lake, Weber, Utah, Davis, Cache, Box Elder, Morgan, Tooele, Sanpete, Sevier, and Garfield were represented in this enlistment.

The first service rendered by the Guard was in connection with one of the industrial "armies" of that period, which passed through Utah a few weeks after the enactment of the new militia law. Twelve hundred men, without money, supplies, or any means of subsistence, organized by "General"Kelley in California, had been loaded into freight cars of the Southern Pacific Railroad, and brought, at the rate of fifty cents each, as far as Ogden; thence to make their way, as best they could, to Washington, D. C., and join with similar bodies in demanding of Congress legislation for the relief of the working classes. Finding that no provision had been made for transporting the men eastward, and fearing that they would remain and become a public charge, Governor West called out the militia and put the so-called army under guard. In taking this step he acted in harmony with the authorities of Ogden City and Weber County. Mayor Baskin, of Salt Lake City, also tendered the services of thirty men commanded by the Chief of Police. Orders of court, issued by Chief Justice Merritt and Associate Justice Miner, forbade the strangers to remain in Utah, or to leave the Ogden depot grounds until arrangements could be made for their transportation. The result was that Kelley and his followers, fed and supplied with money by the warm-hearted people of the Junction City, were put upon Union Pacific cars at Uintah, and carried out of the Territory.

During May a like "army" of three or four hundred men, organized in Utah by "General" Carter, took possession of a Union Pacific train at Lehi, and ran it upon the Rio Grande Western (D. & R. G.) track as far as Provo, where it was derailed. The Industrials held the train, refusing to surrender it to the officers of the road, and this caused further intervention by the Governor and the militia. Carter and some of his men were arrested and imprisoned. The remainder, riding upon freight trains, finally reached Colorado, where they disbanded.

sailed as part of the second expedition to the Philippine Islands. A third battery, with Frank W. Jennings as Captain, was organized on the 12th of July. They were also ordered to San Francisco, and performed garrison duty in the forts of that harbor. Upon the enlistment of Battery C, the Utah Artillery became a battalion, with Richard W. Young as Major in command.

CAPTAIN F. A. GRANT.

Other Military Organizations.—Utah also raised for service at that time a troop of cavalry commanded by Captain Joseph E. Caine; and Troop I of Torrey's Rough Riders, with John Q. Cannon as Captain. Both these young officers were sons of men who had represented Utah in Congress. Captain Caine's cavalry, ordered to the Pacific Coast, rendered valuable service in patroling the Yosemite and Sequoia national parks. The Rough Riders joined their regiment at Cheyenne, Wyoming, and proceeded thence to Jacksonville, Florida, where they encamped with other troops, awaiting any call that might come from the seat of war.

CAPTAIN J. E. CAINE.

Willard Young, another Utah man, was appointed by President McKinley Colonel of the Second United States Volunteer Engineers. A son of President Brigham Young, he, like his nephew, Richard W., was a West Point graudate. He had been Captain in the United States Engineers, doing service in different parts of the country. When the war broke out he was Brigadier General in the Utah National Guard.

His new command consisted of twelve hundred men, recruited from various States. Of the fifty furnished by Utah, all but two were assigned to duty in the Hawaiian Islands. Colonel Young went with the main body of his regiment to Montauk Point, Long Island, where the engineers served efficiently in preparing a camp for soldiers returning from Cuba. They were afterwards ordered to that country, and were the first United States troops to arrive at Havana. There, in December, 1898, they began to prepare quarters for the American army.

COLONEL WILLARD YOUNG.

Utah at the Front.—Lieutenant (now Major) Briant H. Wells, named in connection with the mustering in of the Utah batteries, was a younger brother to Governo Wells. He served with his regiment, the Second United States Infantry, under General Shafter in Cuba, and was wounded at the battle of Santiago. The Twenty-fourth Infantry, a colored regiment stationed at Fort Douglas, also took part in that engagement. Another native son, Ensign Henry A. Pearson, of Draper, was with Admiral Dewey in the battle of Manila Bay.

LIEUTENANT WELLS.

Pioneer Day in 1898 was devoted throughout Utah to the holding of memorial services for the American sailors who went down with the "Maine." The people of the State gave a generous contribution toward the erection of a national monument in honor of the dead.

Batteries A and B sailed for the Philippines on the 15th of June, reaching their destination about the middle of July. They disembarked at Camp Dewey, on the shore of Manila Bay. The Spanish army was then cooped up in Manila, almost entirely surrounded by the Philippine forces under Aguinaldo. A detachment from each battery, thrown into the trenches half a mile south of the Spanish fortifications, repelled attacks upon the American lines during the last night of July and through the succeeding fortnight. On the 13th of August the Utah artillery joined with Admiral Dewey in bombarding Fort San Antonio de Abad and the Spanish trenches. The combined American and Filipino attack resulted in the capture of the city.

CAPTAIN E. A. WEDGEWOOD.

Subsequently the Utah batteries were assigned, with other artillery from the regular forces, to Major McArthur's division of the Eighth Army Corps, and Major Young became divisional chief of artillery. The batteries, each originally comprising one hundred and twenty-one officers and men, were now recruited to their full strength of one hundred and seventy-three. At the time of the Filipino outbreak (February, 1899) they rendered most efficient service, taking part in numerous engagements against the insurgent forces. Captain Grant was assigned to the command of several gunboats operating on Manila Bay and in the rivers and lakes, and with other Utah soldiers gave valiant naval assistance to the army.

Major Young relinquished his command of the Battalion in June of that year, having been appointed a member of the Supreme Court of the Philippine Islands. Captain Grant was appointed Major to fill the vacancy. Lieutenant John F. Critchlow then became Captain of Battery B; Lieutenant Edgar A. Wedgewood having been made captain of Battery A some time before.

Return of the Volunteers.—Several weeks later the Utah troops, honorably relieved from duty in the Philippines, sailed

for San Francisco, where they were mustered out of service on the 16th of August. They reached Salt Lake City on the 19th and were greeted with enthusiasm by their grateful and admiring fellow citizens. Major Young and Major Grant, the former on leave from his judicial post, both rode at the head of the military column from the railroad depot to Liberty Park, the main scene of the festivities. It was a general holiday, and other towns held similar celebrations to welcome home their returning heroes.

DR. HARRY A. YOUNG.

Those who Fell.—Among the Utah men killed in the Philippines, was Dr. Harry A. Young, of Salt Lake City. He had been Quarter-master Sergeant of Battery A, and his commission as First Lieutenant and Assistant Sergeant of the Utah Artillery was on the way when he was slain. The new titles were afterwards confirmed upon him by Congress. Others who fell in battle were Sergeant Ford Fisher, Corporal John G. Young, Private Wilhelm T. Goodman, of Battery A; and Corporal M. C. Jensen, Privates George A. Hudson, Fred A. Bumiller, and Max Maddison, of Battery B. Those dying from other causes were Corporals George O. Larson and John T. Kennedy, Privates Charles Parson, Oscar A. Feninger, and Richard H. Ralph. Many of the volunteers were wounded during the various fights and skirmishes. The bodies of Harry A. Young, John G. Young, Ford Fisher, Charles Parsons, and Wilhelm T. Goodman were brought home for burial.

Judge Goodwin's Tribute.—No troops in the Philippines achieved more distinction for bravery and efficiency than the Utah Batteries. Judge C. C. Goodwin, in the course of an eloquent tribute, said of them: "The necessities of the war made them ubiquitous; they were everywhere, on river, on land; and when a stronghold was to be stormed, their guns first cleared the way, until, in an army where all were heroes, the men of Utah made for themselves a conspicuous name. They earned it, for they never retreated, never lost a battle or

a flag, never started for the foe that they did not scatter it as the wind scatters the chaff from the threshing floor. When their terms of enlistment expired they fought on, week after week, until their places could be supplied. The record of the volunteers is nowhere dimmed. They went away boys; they returned men. They made for themselves great names, and by their deeds exalted the name of their State. They have won for themselves an appreciative people's gratitude, a Nation's praise."

GENERAL CANNON.

The Carbon County Strike.—In November, 1903, a strike of coal miners in Carbon County created a situation of sufficient gravity to justify the calling out of several companies of militia. The strikers, employed by the Utah Fuel Company, where members of the society known as "The United Mine Workers of America," under the orders of whose president, John Mitchell, the strike took place. Most of the twelve hundred men leaving work were Italians. Few were native Americans or permanent citizens of Utah. It was a sympathetic strike, designed to influence the outcome of a similar movement in Colorado. Here there was no real grievance, every privilege for which the Colorado miners were contending being enjoyed by the miners in this State. Said Governor Wells: "While I am an advocate of the legitimate rights of organized labor, I object to and will resist any attempt to visit upon the people of this State the sins of another State. We were foremost to legalize the eight-hour day in Utah, and instead of applauding, assisting, and respecting us for it, these agitators are seeking to punish us. It will not do. As long as I am Governor, I shall resist the tyrannical and unlawful interference of individuals or unions with the peaceable pursuits of the citizens of this State." For the protection of miners who desired to continue at work, but were threatened with violence by the agitators and their followers, the Governor sent troops, under Brigader-General John Q. Cannon, to the scene of trouble. Detachments were assigned to duty at Scofield, Castle Gate, and Sunnyside. No

fighting occurred, though a number of persons were arrested, including an Italian, one Demolli, and a woman agitator known as "Mother Jones." The militiamen remained on duty two months, and their presence gave peace, with protection to life and property.*

Ecclesiastical Changes.—So much for military matters in the new-fledged State of Utah. Turn we now to events paralleling some of those already narrated. In September, 1898, occurred the death of President Wilford Woodruff. The last public act of the aged Pioneer was the delivery of a speech, on July 24th, at the dedication of Pioneer Square as one of the parks of Salt Lake City. A few days later he set out for the Pacific Coast, and was there taken ill, breathing his last at the home of Colonel Isaac Trumbo, in San Francisco. President Woodruff's successor was Lorenzo Snow, who chose for his Counselors those of his predecessor.

PRESIDENT SMITH.

President Snow's tenure of the office was brief, but was characterized by great activity. In the short space of three years he and his associates, by the exercise of rare financial wisdom, did much to lift from the shoulders of the Church a heavy burden of debt, largely resulting from the confiscation of its property by the Government. President Snow died in October, 1901, and was succeeded by his First Counselor, Joseph F. Smith; the former First Counselor, George Q. Cannon, having passed away in the preceding April. President Smith, choosing John R. Winder and Anthon H. Lund for Counselors, began his administration on the 17th of October. A strong and forceful character, and withal a sagacious and careful financier, he soon had the Church entirely out of debt and on the way to a period of prosperity, such as it had never experienced.†

*Carbon County had witnessed, in May, 1900, a very disastrous explosion in the coal mines at Winter Quarters, near Scofield. About two hundred miners, mostly foreigners, were killed in this terrible accident.

†Judge Goodwin, former editor of the Tribune, and now (1916)

The Roberts Case.—November, 1898, witnessed the election of B. H. Roberts to Congress, as the candidate of the Democratic Party of Utah. On the same ticket Robert N. Baskin was chosen Chief Justice of the State. Mr. Roberts had represented Davis County in the Constitutional Convention, and was one of the ablest and most influential members of that body. In the autumn of 1895 he ran for Congress against Clarence E. Allen, Republican, and met defeat. Nominated a second time for Representative, he was successful in the face of the most strenuous opposition.

REPRESENTATIVE ROBERTS.

The usual partisan influences were not all that Mr. Roberts had to contend with; in addition thereto, a charge of polygamy was urged against him. The agitation became so intense and wide-spread, that the Governor of the State, fearing its effect upon the easily awakened prejudice of the Nation, advised the people, through the press, to defeat Mr. Roberts. But all to no purpose; he was triumphantly elected, and that, too, by "Gentile" rather

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presiding over the columns of Goodwin's Weekly, a periodical published at Salt Lake City, draws the following pen portrait of the present-day "Mormon" leader:

"A more kindly and benevolent man has seldom held an exalted ecclesiastical position than President Joseph F. Smith, of the Church of Jesus Christ of Latter-day Saints. Passing down the seventy-seventh year of the highway of life, and living with broad tolerance of the affairs of men, he stands a commanding influence in his State. To his people he is the great spiritual leader. To men at large, he is a man of wide sympathies, great business acumen, and a born leader of the great institution of which he is the head. One who has known him for two generations says of him: 'Once stern and unrelenting, he has mellowed as the years go on, until he sees but the good in humanity, and forgives men their trespasses.'" "Under his direction the Church has grown in power until it is accounted one of the most perfectly organized bodies in existence. As Trustee of the vast properties of the Church, he has become one of its greatest financial leaders. His life all these years has been lived with great simplicity, constant labor, and great personal frugality. He stands today a patriarch ruling with a gentle hand over a people blessed with such prosperity as few religious bodies have ever known."

than by "Mormon" votes; his heaviest majorities being in communities almost exclusively non-"Mormon." The general returns gave him a plurality of five thousand six hundred and sixty-five. The scene then changed, and another battle was fought, in which his opponents were victorious.

Excluded from Congress.—The ultimate defeat of the Utah Representative was encompassed mainly through the efforts of the Ministerial Association of Salt Lake City, aided by the Tribune, and powerfully re-inforced by churches, women's organizations, and other influential agencies in the East. Hearst's New York Journal, foremost among sensational newspapers, fiercely assailed Mr. Roberts upon the assumption that a religious instead of a political organization had elected him. The wealthy philanthropist, Miss Helen Gould, was persuaded to join in this fight against the so-called "menace to the American home," meaning polygamy, which became the slogan of the nation-wide campaign. Mr. Roberts and others of his faith were falsely accused of aiming to restore the inhibited practice. His candidacy was pointed to as proof that the "Mormon" Church had determined to thrust this objectionable feature down the throat of Congress; and it was asserted that Utah, by permitting his election, had broken her compact with the Nation—a compact represented by the Enabling Act and the State Constitution. Both these instruments prohibited plural marriages, but were silent regarding polygamous living under relations formed prior to the issuance of the Manifesto. Mr. Roberts was the husband of more than one wife, but he contended that his marital status was irrelevant to the issue. As the duly elected candidate, not of a church, but of a political party comprising "Gentile" as well as "Mormon" citizens, who had chosen him to represent the State in Congress, he stood squarely upon his right and demanded his seat in the House of Representatives.

But nothing could quell the clamor, nor overcome the opposition arrayed against him. The House, refusing to allow him to be sworn in, referred his case to a special committee, a majority of whom recommended that he be not seated. After a spirited discussion, in the course of which a strong and eloquent protest was voiced by the Representative elect, the House, on the 25th of January, 1900, voted to exclude him. The vote stood 50 in favor of, and 244 against, the gentleman from Utah; 36 members not voting.

Representatives King and Sutherland.—The result in the Roberts case made necessary a special election, which took place in April, when William H. King was chosen a second time Utah's Representative in Congress. His term was necessarily brief, the recent contest having consumed the greater

part of the period for which Mr. Roberts had been elected. Judge King was not destined to succeed himself. At the regular election in November, the Republicans were victorious, and George Sutherland became Representative. King and Sutherland, the former a "Mormon," the latter a "Gentile," were both natives of the State and prominent lawyers of Salt Lake City.

REPRESENTATIVE SUTHERLAND.

The McCune Candidacy.—The same election that sent Mr. Roberts to Congress gave a Democratic majority to the Utah Legislature, and when that body convened in January, 1899, it was expected that a United States Senator would be chosen, to succeed Frank J. Cannon. Mr. Cannon was then a Silver Republican, seeking re-election by fusion votes, mostly from Weber County, where he resided. The leading Democratic candidate was Alfred W. McCune, a wealthy mining man of Salt Lake City. The contest was stubborn and protracted, the Democrats being much divided. McCune was within one or two votes of election, when, just before the taking of the 122nd ballot, he was charged by Representative Albert A. Law, of Cache County, with attempting to bribe him, by offering fifteen hundred dollars for his vote. Law was a Republican, but had joined with the Fusionists in supporting Cannon. McCune denied the charge, and the Assembly ordered an investigation. After a diligent inquiry, five of the investigating committee reported that the evidence did not sustain the accusation. The remaining two committeemen filed a dissenting opinion. The final ballot—the 149th—was cast at midnight on the 8th of March, with the following result: Alfred W. McCune, 25; George Q. Cannon, 15; William H. King, 12; Frank J. Cannon, 7; George Sutherland, 3. Necessary to a choice, 32. The Assembly dissolved without electing a United States Senator.

Senator Kearns and "The Hierarchy."—The Senatorial seat remained vacant until January, 1901, when the Republicans, regaining control of the Legislature, selected Thomas Kearns for the place. Mr. Kearns was a rich mining man, one

of the principal owners of the famous Silver King property at Park City. In 1905 he emphasized his retirement from Congress with a speech upon the floor of the Senate attacking "The Mormon Hierarchy:" About the same time the Salt Lake Tribune re-opened its batteries against the Church. Alleged religious influence in politics, commercialism, and the recrudescence of polygamy, were the principal charges hurled at the "Mormon" leaders. Later, these subjects were exploited in a number of popular magazines—Pearson's, Everybody's, McClure's and the Cosmopolitan—some of which sent special representatives to Utah.

SENATOR KEARNS.

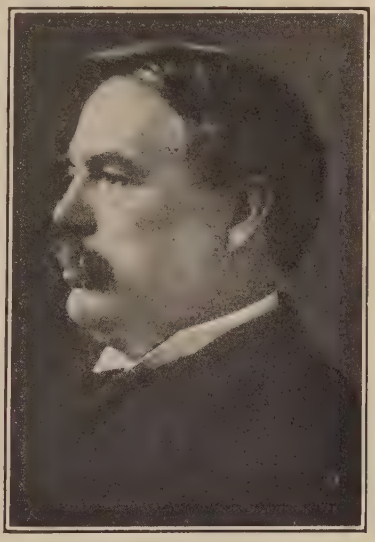
The American Party.—Meanwhile the American Party had been born. The first movement toward its organization took place in the autumn of 1904. It was virtually an attempt to revive the Liberal or "Anti-Mormon" party, which had passed out of existence during the previous decade. The attempt was successful only in part, many of the old Liberals holding aloof. Nevertheless the Americans thrice elected the government of Salt Lake City, and held it from 1905 to 1911. At the end of that period, a majority of the citizens, "Mormons" and "Gentiles," including many ex-"Americans," combined against the new party and snowed it under at the polls.* The Utah capital then adopted the commission form of government.

Senator Sutherland, Representative Howell, Et Al.—Senator Kearns was succeeded by Senator George Sutherland,

*"The American Party," says a "Gentile" chronicler, "was a rebuke to actual or supposed Church activity in politics. It was to the city of Salt Lake what the Liberal Party had been to the State; that is to say, the decided Anti-Mormon party; the line of cleavage was a religious one. While the party was probably formed in good faith, its machinery rapidly fell into the hands of the sinister and unscrupulous element of Salt Lake City. This element had no other aim but to gain protection in certain notorious occupations. It used the Mormon bugaboo for all there was in it, and in this way made the good Gentiles of Salt Lake City the means of keeping it in power. The American Party finally grew so bad that many of the decent Gentiles deserted it, fearing its motives more than the scare of Mormon domination."—James H. Wolfe, in "The Utah Survey," March-April, 1916.

who has continued in office down to the present time. Sutherland's successor as Representative was Joseph Howell, a merchant of Wellsville, who had represented Cache County in the Legislature. It was in 1902 that he was chosen for Congress. Mr. Howell was many times elected, but failed of renomination in 1916. Meanwhile Utah had become entitled to another Representative, and Jacob Johnson, Republican, of Sanpete County, was chosen from the First Congressional District. This district comprises all the counties, excepting Salt Lake, Utah, Davis, and Tooele, which constitute the Second Congressional District. Mr. Johnson retired in 1915. In 1914 James H. Mays, Democratic-Progressive, was elected Representative for the Second District.

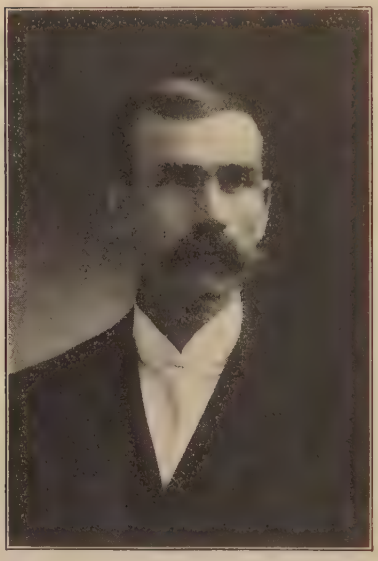
The Smoot Investigation.—The election of Reed Smoot, Republican, to succeed Joseph L. Rawlins, Democrat, in the upper house of Congress, gave rise to a contest unparalleled in the history of the State or of the Nation. Mr. Smoot, a resident of Provo, was and is still an Apostle of the "Mormon" Church, and one of the ablest financial men in Utah. He announced his candidacy for the United States Senate in May, 1902, and was elected in the following January, receiving forty-five of the sixty-three votes in the Joint Assembly of the Legislature. He presented his credentials at the opening of the extra session of Congress in February, and was sworn in without objection. His right to the seat had been questioned, and certain protests had been filed against him, but the Senate, pursuing the usual course, admitted him pending further developments. Ten months elapsed, and then began an investigation that was destined to give the Utah Senator a world-wide renown.



REPRESENTATIVE HOWELL.

Protests from Utah.—There were two protests against the seating of Senator Smoot, both emanating from "Gentile" sources in Utah. One paper was signed by Reverend John L. Leilich, Methodist minister, and the other by eighteen prominent citizens, including Dr. William M. Paden, Pastor

of the Presbyterian Church, and Bishop Abiel Leonard, of the Protestant Episcopal Church, at the Utah capital. Judge Goodwin, editor of the Tribune; C. E. Allen, former Congressman; Ezra Thompson, Ex-Mayor of Salt Lake City; and E. B. Critchlow, of the Utah Bar, also put their signatures to the second protest, the materials for which had been furnished by Mr. Paden and the Ministerial Association. These documents, with Senator Smoot's credentials and reply, and a petition in his favor signed by forty Utah citizens, thirty-eight of them "Gentiles," were referred to the Committee on Privileges and Elections. Senator Julius C. Burrows, of Michigan, was chairman of that Committee, the other members of it being Senators George F. Hoar of Massachusetts, Louis E. McComas of Maryland, Joseph B. Foraker of Ohio, Chauncey M. Depew of New York, Albert J. Beveridge of Indiana, William P. Dillingham of New Hampshire, Albert J. Hopkins of Illinois, Edmund W. Pettus of Alabama, Fred T. Dubois of Idaho, Joseph W. Bailey of Texas, Lee S. Overman of North Carolina, and James P. Clark of Arkansas. Subsequently Senator P. C. Knox, of Pennsylvania, took the place made vacant by the death of Senator Hoar; while Senator Jonathan P. Dolliver, of Iowa, succeeded Senator McComas at the expiration of his term.



SENATOR SMOOT.

At the Bar of the Nation.—The Smoot case was taken up early in 1904. The inquiry, which was searching and thorough, extended through a period of three years. The ostensible purpose was to investigate the right and title of the Senator from Utah to the seat he occupied; but Mr. Smoot and his individual cause were nearly lost sight of in the greater sensation of a virtual arraignment of the "Mormon" Church before a leading committee of the United States Senate. The head of the Church was one of those summoned to Washington to testify. The prosecution was conducted by two former Congressmen —Robert W. Tayler, of Ohio, who had led the opposition to Mr. Roberts in the House of Representatives; and John C.

Carlisle, of Kentucky, who had been Speaker of the House. The attorneys for the defense were A. S. Worthington, of Washington, D. C., and Waldemar Van Cott, of Salt Lake City.

Basis of Proceedings.—Mr. Leilich had accused Senator Smoot of polygamy, that is, with "having a legal and a plural wife." There was absolutely no ground for such a charge, the Senator having but one wife, and this part of the indictment was ignored at the outset of the Committee's deliberations. The Paden protest contained the following allegations:

BISHOP LEONARD.

(1.) Mr. Smoot is one of a self-perpetuating body of men, known as the First Presidency and Twelve Apostles of the Church of Jesus Christ of Latter-day Saints, commonly known as the Mormon Church;

(2.) These men claim divine authority to control the members of said Church in all things, temporal as well as spiritual;

(3.) This authority is, and has been for several years past, so exercised by the said First Presidency and Twelve Apostles as to encourage the practice of polygamy and polygamous cohabitation in the State of Utah and elsewhere, contrary to the Constitution and laws of the State of Utah and the law of the land:

(4.) The said First Presidency and Twelve Apostles do now control, and for a long time past have controlled, the political affairs of the State of Utah, and have thus brought about therein a union of Church and State, contrary to the Constitution of the State of Utah, and the Constitution of the United States.

These charges, with the further statement that Senator Smoot had subscribed to an oath of such character that he was "thereby disqualified from taking the oath of office required of a United States Senator," formed the basis of proceedings in this celebrated case.

The "Mormon" Leader Testifies.—It was during March, 1904, that President Joseph F. Smith testified before the Com-

mittee. In answer to questions put to him by Mr. Tayler he admitted that he had lived with all his wives—five in number—and that they had borne him eleven children since the year 1890. He had done this knowing the responsibility, and that he was amenable to the law.

Chairman Burrows.—"Mr. Smith, I will not press it, but I will ask you if you have any objection to stating how many children you have in all?"

WALDEMAR VAN COTT.

President Smith.—"I have had borne to me, sir, forty-two children—twenty-one boys and twenty-one girls—and I am proud of every one of them."

Chairman Burrows.—"Do you obey the law in having five wives at this time, and having them bear to you eleven children since the Manifesto of 1890?"

President Smith.—"Mr. Chairman, I have not claimed that in that case I have obeyed the law of the land. * * * I do not claim so, and, as I said before, I prefer to stand my chances against the law."

The Case for the Prosecution.—The purpose of this questioning was to show that since those living in polygamous relations were polygamists in the sight of the law, by sustaining and upholding as a member of the Church such men as President Smith, Senator Smoot countenanced and encouraged polygamy. It was charged that two of the Apostles, John W. Taylor and Matthias F. Cowley, had evaded service of process issued for their appearance, and had refused to come before the Committee when requested to do so. The claim that these men had been "dropped from the list of Apostles," for being "out of harmony with their associates upon the question of the further practice of polygamy," was said to merit no consideration, having been "done for popular effect."

To sustain the charge of political domination on the part of the Church, it was asserted that in the State of Idaho, where many Latter-day Saints resided, candidates for office, in order to succeed, must first visit Salt Lake City and make arrange-

ments with the "Mormon" leaders, and that whatever they desired to have done, or left undone, either by legislative or administrative power, would result. The history of a measure introduced in the Utah Legislature during 1901 was cited to sustain the theory of Church influence in matters of legislation. That measure was the Evans Bill, the enactment of which was sought for the purpose of checking the operations of one Charles Mostyn Owen, a spy and an informer, employed, as was believed, by the Salt Lake Ministerial Association, to work up prosecutions against men, many of them aged and infirm, who, trusting to the tolerance of their "Gentile" neighbors, had continued to live with their plural families notwithstanding the Manifesto and the inhibitions of the law. It was intimated that the Church had dictated, first to the Legislature, thus securing the passage of the Evans Bill, and afterwards, for prudential reasons, to the Governor, inducing him to veto it. As an instance of the exercise of ecclesiastical authority in political affairs, the case of Moses Thatcher was mentioned. It was alleged that this Apostle had been deposed, and defeated in his Senatorial candidacy, because of his disobedience to the dictation of the First Presidency and the Twelve.

Senator Smoot's opponents maintained that he was measurably responsible for the conduct of the organization of which he was a member, and therefore accountable in part for these alleged acts of political domination by religious authority. Moreover, it was urged that, having taken an oath in "the endowment ceremonies" of his Church, to avenge the blood of Joseph Smith upon this Nation, he was not in a position to discharge the obligation resting upon a Senator of the United States.

The Burrows Resolution.—Chairman Burrows and six others of the Committee—Senators Dolliver, Pettus, Dubois, Bailey, Overman, and Clark—in a report submitted to the Senate, June 11th, 1906, said: "The more deliberately and carefully the testimony taken on the investigation is considered, the more irresistibly it leads to the conclusion that the facts stated in the protest are true." Upon this finding they presented a resolution to the effect that Reed Smoot was not entitled to a seat as a Senator of the United States from the State of Utah.

The Opposite View.—Five members of the Committee—Senators Foraker, Beveridge, Dillingham, Hopkins, and Knox—disagreed with their fellows, and filed dissenting views. They declared that Reed Smoot possessed all the qualifications prescribed by the Constitution of the United States to make him eligible to a seat in the Senate. There had been no irregu-

larity in his election, and his private life and character were irreproachable. He was not a polygamist, and was opposed to plural marriages. The testimony as to the so-called "endowment oath" was not only limited, vague and indefinite, but "utterly unreliable, because of the disreputable and untrustworthy character of the witnesses." No ground had been established upon which to predicate a finding and belief that Mr. Smoot ever took any obligation involving hostility to the Government, or requiring him to regard his allegiance to the Church as paramount to his allegiance and duty to the United States.

The dissenting committeemen then presented their views upon the question as to whether Reed Smoot, by virtue of his official relation to the Church, was responsible in any degree for the continuance of polygamous cohabitation by certain of its members since the Manifesto of 1890. There was no testimony to show that he had ever done more than silently acquiesce in this offense against the law. The peculiar circumstances attending the commission of that offense were then considered. So far as the evidence disclosed, there had been but a few plural marriages since the issuance of the Manifesto —perhaps not more than the bigamous marriages during the same period among as many non-"Mormons." The number of polygamous families in Utah had decreased from twenty-four hundred in 1890, to about five hundred in 1905, owing to death and other causes, and it would be only a few years until all would have passed away. "This feature of the situation," said the Foraker document, "has had a controlling influence upon public sentiment in the State of Utah." "Congress, having by the statutes of 1882 and 1887 specifically legitimized the children of these polygamous marriages, it was inconsistent, if not unwise and impossible, in the opinion of even the non-Mormons, to prohibit the father of such children from living with, supporting, educating, and caring for them; but if the father was thus to live with, support, educate, and care for the children, it seemed harsh and unreasonable to exclude from this relationship the mothers of the children." When Congress passed the Enabling Act (July, 1894) the people of Utah were required to incorporate in their State Constitution a proviso prohibiting polygamous marriages, but not polygamous cohabitation. "There was a common understanding both in Congress and in Utah that there were not only to be no more plural marriages, but that prosecutions for polygamous cohabitation had become so difficult that there was a practical suspension of them, and that time was the only certain solution of the perplexing problem."

In support of this view the statements of prominent "Gen-

tiles" were cited, namely, Judge William McCarty, of the Supreme Court of Utah; Mr. E. B. Critchlow, former United States Commissioner; and Judge O. W. Powers, all of whom had testified during the investigation. Their testimony proved that the "Gentiles" had acquiesced in the non-prosecution of such cases, favoring a tolerant policy in relation to them. A speech by Senator Dubois, of Idaho, reported in the Congressional Record of February 5, 1903, was likewise drawn upon for evidence of "Gentile" toleration in this class of cases.

Such testimony caused the five committeemen to believe that the conditions existing in Utah since Reed Smoot became an Apostle had been such that non-"Mormons" and "Mormons" alike acquiesced in polygamous cohabitation on the

STATE INDUSTRIAL SCHOOL, OGDEN.

part of those who married before the Manifesto of 1890, as an evil that could best be gotten rid of by simply tolerating it until in the natural course of events it had passed out of existence. In conclusion they said: "The undersigned are of the opinion that there is no just ground for expelling Senator Smoot or for finding him disqualified to hold the seat he occupies."

Senator Smoot Retains his Seat.—The end of the protracted controversy came on the 20th of February, 1907, when the Senate, by a vote of forty-one to twenty-eight, rejected the Burrows resolution, and adopted the views of Senator Foraker and his associates, deciding that Senator Smoot was entitled

to his seat. Senator Depew was the only member of the Committee who withheld his signature from both reports. Senator Dolliver, who had been placed upon the Committee after the close of the hearing, signed the Burrows report, but with the understanding that during the recess of Congress he would read the testimony, and if convinced that the minority were right, would transfer his signature to their document. This he did, dividing equally the twelve committeemen reporting upon the case. The vote was preceded by a lively debate, in which both Utah Senators took part. Mr. Smoot was not injured by the fierce light thrown upon him during the inquisition, out of which he came with reputation enhanced and influence increased tenfold. The cost of the defense—$35,000—was borne by the Senator's private purse, barring the sum of fifteen thousand dollars, subsequently appropriated by Congress for his relief.

The Church's Attitude.—In April, 1904, President Joseph F. Smith had issued an official statement, emphasizing the

PACKARD FREE LIBRARY, SALT LAKE CITY.

Manifesto of 1890, and declaring that since that time no plural marriages had been solemnized with the sanction, consent, or knowledge of the Church. All such marriages were prohibited, and if any officer or member should assume to solemnize or enter into such a marriage, he would be deemed a transgressor, liable to be dealt with and excommunicated from the Church. This declaration was ratified by the General Conference.

A few weeks after the close of the Smoot investigation, President Smith and his Counselors issued an "Address to the World," re-affirming the loyalty of the Church to the Nation, and answering charges made against the "Mormon" people and their leaders. This address was read to the General

THE AUGUSTA NATURAL BRIDGE.

Conference in April, 1907, and adopted by unanimous vote. The parts most pertinent are here presented:

"The Mormon people have bowed in respectful submission to the law enacted against plural marriage. While it is true that for many years they contested the constitutionality of the law of Congress, and during that time acted in harmony with their religious convictions in upholding by practice as well as by spoken and written word a principle committed to them from God, still, when every means of constitutional defense had been exhausted, the Church abandoned the controversy and announced its intention to be obedient to the laws of the land. Subsequently, when Statehood for Utah became a possibility, on the condition that her Constitution provide by ordinance, irrevocable without the consent of the United States, that plural marriages should be forever prohibited, the "Mormon" people accepted the condition by voting for the adoption of the Constitution. From that time until now, the Church has been true to its pledge respecting the abandonment of plural marriage.

"If it be urged that there have been instances of the violation of the anti-polygamy laws, and that some persons within

the Church have sought to evade the rule adopted by her prohibiting plural marriages, the plain answer is that in every state and nation there are individuals who violate law in spite of all the vigilance that can be exercised; but it does not follow that the integrity of a community or a state is destroyed, because of such individual transgressions. All we ask is that the same common-sense judgment be exercised in relation to our community that is accorded to other communities."

"Those who refer to 'Mormon polygamy' as a menace to the American home, or as a serious factor in American problems, make themselves ridiculous. So far as plural marriage is concerned, the question is settled. The problem of polygamous living among our people is rapidly solving itself. It is a matter of record that in 1890, when the Manifesto was issued, there were 2,451 plural families; in nine years, this number had been reduced to 1,543. Four years later the number was 897; and many of these have since passed away."

* * * * * * * * *

"We declare that from principle and policy we favor the absolute separation of Church and State; no domination of the State by the Church; no Church interference with the functions of the State; no State interference with the functions of the Church, or with the free exercise of religion; the absolute freedom of the individual from the domination of ecclesiastical authority in political affairs; the equality of all churches before the law.

"The reaffirmation of this doctrine and policy, however, is predicated upon the express understanding that politics in the States where our people reside shall be conducted as in other parts of the Union; that there shall be no interference by the State with the Church, nor with the free exercise of religion. Should political parties make war upon the Church, or menace the civil, political, or religious rights of its members as such,—against a policy of that kind, by any political party or set of men whatsoever, we assert the inherent right of self-preservation for the Church, and her right and duty to call upon all her children, and upon all who love justice, and desire the perpetuation of religious liberty, to come to her aid, to stand with her until the danger shall have passed. And this openly, submitting the justice of our cause to the enlightened judgment of our fellow men, should such an issue unhappily arise. We desire to live in peace and confidence with our fellow citizens of all political parties and of all religions."

The Counselors to President Smith when this address was issued were John R. Winder and Anthon H. Lund. President Winder died in March, 1910, and in April was succeeded as First Counselor by President Lund, whose place as Second

Counselor was given to Elder John Henry Smith. Death claimed the latter in October, 1911, and since December of that year Charles W. Penrose has been Second Counselor in the First Presidency.

Governor Wells and His Work.—Governor Wells closed his first term in January, 1901, and was given a second term, ending in January, 1905. He was in office nine years, longer than any Governor of Utah before him, and was rightly regarded as an intelligent, broad-minded, honest and capable executive.

The Roosevelt Visit.—During the latter part of Governor Wells' second term the State was honored with a visit from President Theodore Roosevelt, the first head of the Nation to visit Utah after her admission into the Union. He arrived and departed on the 29th of May, 1903. Once before he had been in Utah, when, as Republican candidate for Vice President, he made speeches in different parts of the country, not omitting the West, which had formerly been his home. During his brief stay in the autumn of 1900, he addressed an audience at the Salt Lake Theatre, and enjoyed a gallop with the Rough Riders, who came from various counties to greet him. His second visit was several months after the tragic death of President McKinley had made him that great man's successor.*

PRESIDENT ROOSEVELT.

Utah gave Roosevelt an ovation, one of the greatest civic and military parades ever seen in this region taking place in his honor. Two mammoth meetings were held, one in the open air at the Salt Lake City and County Building, and the other in the Tabernacle. At both places the President addressed enthusiastic throngs. He was accompanied by Secretary Moody, of the United States Navy, and Secretary

*Memorial services in honor of President McKinley were held in all the Utah churches, September 19 ,1901, the day of his funeral at Canton, Ohio. An immense congregation assembled at the Tabernacle in Salt Lake City, where fitting tributes were paid to the third martyred Chief of the Nation.

Wilson, of the Department of Agriculture. They also spoke to the people. At the outdoor meeting twelve thousand school children, all waving American flags, cheered for the Chief Magistrate; while at the indoor gathering Governor Wells delivered an address of welcome, and Miss Emma Ramsey (now Mrs. George Q. Morris) sang "The Flag without a Stain." Senator Kearns introduced President Roosevelt, a part of whose speech was a tribute to Utah and the Pioneers. The Secretary of the Navy, after eulogizing the "splendid volunteers" that Utah had sent to the Philippines, said: "We want more of your young men to tread the decks of our war vessels." He promised that one of the great battleships soon to be built should bear the name "Utah;" an announcement greeted with loud applause. The visitors, who had breakfasted at the palatial home of Senator Kearns, held a reception at the Alta Club, and then departed for the East.

Governor Cutler.—The second Governor of the State was John C. Cutler, an Englishman by birth, but for many years an American citizen and a resident of Utah. At the time of his nomination by the Republicans, in the autumn of 1904, he was a prominent and successful business man at Salt Lake City. During his four years of service Governor Cutler gave careful attention to the finances of the State, and left them in an excellent condition. The revenue was increased, expenses cut down, and all public institutions benefited, especially the Industrial School and the Mental Hospital. The State laws were compiled, and so amended that funds in possession of the State Board of Land Commissioners might be used for irrigation enterprises and the reclamation of arid lands.

GOVERNOR CUTLER.

University and Agricultural College.—Soon after Governor Cutler's induction into office he was confronted by an educational problem, involving the University of Utah and the State Agricultural College, the former at Salt Lake City, the latter at Logan. Both schools had done excellent work, and were noted for efficiency and progressiveness, but there was an unnecessary and expensive duplication of studies in the institutions. The Governor, in pursuance of his retrenchment

policy, called the attention of the Legislature to this fact, and the result was the enactment in 1907 of laws restricting and prescribing the work of the two schools and designating the field that each must occupy.

UTAH AGRICULTURAL COLLEGE.

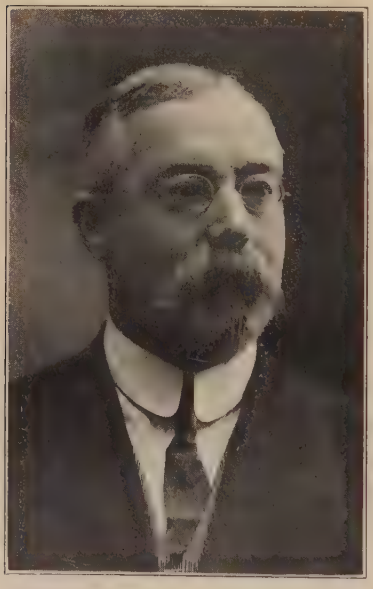
From the autumn of 1900 the University had occupied a site provided for it by Act of Congress—namely, a portion of the Fort Douglas Military Reservation. This gift was bestowed during the winter of 1893-1894, with the proviso that the chief building should be erected there within five years after the passage of the Act. In February, 1899, the Legislature provided for the removal of the University from Union Square to the new and commanding site on the foothills east of the Utah capital.*

NEW ADMINISTRATION BUILDING, UNIVERSITY OF UTAH.

*The first grant of land made by Congress to the University was in February, 1855. It consisted of two townships, equal to 46,080 acres, to be selected anywhere within the Territory The second grant —110,000 acres, to be selected anywhere within the State—was included in the Enabling Act, July, 1894. A third similar grant was made through a bill introduced into Congress by Senator George Sutherland.

In October, 1905, Governor Cutler took part in the ceremonies attending the opening of the Free Public Library at Salt Lake City. This handsome Grecian structure, near neighbor to the Alta Club, and not far from the historic Eagle Gate, was a gift from Mr. John Q. Packard, a mining millionaire. Some of the books upon the shelves of the Free Library were once in the Masonic Library, which followed the Territorial Library, founded in 1850-1852. The remnants of the latter collection long ago became part of the library of the University of Utah. Ogden, Provo and many other Utah towns now have free public libraries, most of them creations of the Carnegie Fund.

During Governor Cutler's administration Juvenile Courts were established, pursuant to a law enacted in 1905, making provision for such tribunals in certain cities of the State. In 1907 the Legislature provided for a Juvenile Court in each of the seven judicial districts. The judges and probation officers are appointed by a State Juvenile Court Commission, consisting of the Governor, Attorney General, and Superintendent of Public Instruction. In May, 1908, the Utah Peace Society was organized, in harmony with the world movement for universal peace.



GOVERNOR SPRY.

Governor Spry.—William Spry, the third Governor of the State, came to Utah from England in 1875, when he was but eleven years of age. His experiences from childhood were of a varied character, ranging from stable boy and railroad section hand to hide and wool merchant, farmer and stock raiser. Like his two predecessors, he is a member of the "Mormon" Church, and at one time presided over the Southern States Mission. He represented Tooele County in the State Legislature, and subsequently was State Chairman of the Republican party. In 1906 he became United States Marshal, under an appointment from President Roosevelt. Elected Governor in the autumn of 1908, he entered upon the duties of that office in the following January. He was re-elected in 1912.

President Taft in Utah.—During the fore part of Governor Spry's first term, President William Howard Taft visited Utah. He came here from Colorado, reaching Provo on the afternoon of Friday, September 4, 1909, accompanied by Secretary of the Interior Ballinger, Colonel Archibald W. Butt, two Secret Service guards, and other Government officers. Alighting from their train at "The Garden City," the party, chaperoned by Senators Smoot and Sutherland, Congressman Howell, Governor Spry, Mayor Bransford of Salt Lake City, and the local municipal officers, proceeded in automobiles to the Provo Tabernacle, cheered on their way by the populace, including students and faculties of the Brigham Young University, the Proctor Academy, and the public schools. The B. Y. U. students signalized their appreciation of the presidential visit by painting in mammoth white letters "T A F T", near their colossal "Y" on the mountain side. At the Tabernacle the President addressed three thousand people, and took occasion to congratulate Utah upon the excellent record made by Senators Smoot and Sutherland.* He then left for Salt Lake City.

PRESIDENT TAFT.

Saturday's program included breakfast and a speech by President Taft at the Commercial Club; also a trip to Saltair, where a reception was held on the ball room floor of the pavilion. Then came an organ recital at the Salt Lake Tabernacle, a drive to the Country Club, a speech at Liberty Park, a reception at the University Club, and an informal dinner at the Alta Club. At Saltair Senator Smoot, leading forward a venerable lady, introduced her to President Taft as "Aunt Emmeline" (Mrs. Emmeline B. Wells). The President expressed his gratification at the meeting, and Mrs. Wells responded: "I have been introduced to every President since and including President Grant, and have presented petitions

*Senator Sutherland, on September 1st, 1916, was elected President of the American Bar Association; the first Western man to receive that high distinction.

from women to most of them." At the Tabernacle President Taft and President Smith became mutually acquainted, and at Liberty Park Senator Sutherland, in behalf of the Commercial Club, presented the Chief Magistrate with a fine oil painting of the Augusta Bridge, in San Juan County, the work of Mr. H. L. A. Culmer.

CENTER STREET, PROVO.

"A Bit Like a Sermon."—Sunday morning President Taft addressed an immense congregation at the Tabernacle. Taking for his text the proverb: "A soft answer turneth away wrath, but grievous words stir up anger," he delivered what he said might sound "a bit like a sermon." It was highly entertaining, and filled with good advice to all classes. The following paragraph will suffice to show the spirit of the utterance, which was in the President's happiest vein:

"The truth is, my dear friends, this matter of hatred and resentment, which accompanies the attributing of bad motives to those who differ with you, is a sort of waste of nervous strength, of time, of worry, without accomplishing one single good thing. (Applause.) I don't know how it has been with you, but it has happened, time and time again with me, that some man has done something that I didn't like, which I thought had a personal bearing, and that I have said in my heart, Times will change and I will get even with that gentle-

man. (Laughter.) Oh, I don't profess to be free from those feelings at all. But it has frequently happened, I may say generally, that the time did come when I could get even with that man, and when that time came it seemed to me that I would demean myself, and that it would show me no man at all, if I took advantage. (Applause and cheers.) * * * So, my friends, what I am urging is less acrimony in public discussion, more charity in respect to each other as to what moves each man to do what he does do, and not to charge dishonesty and corruption until you have a real reason for doing so. (Applause.) I am the last man to pardon or mitigate wrongs against the public, or against the individual. (Applause.) I believe, and I regret to say, that throughout this country the administration of the criminal law and the prosecution of crime is a disgrace to our civilization (extended applause); but it is one thing to prosecute a criminal when you have the evidence, and it is another thing to ascribe motives to the act of a man when you have not any evidence, and are just living in your imagination in respect to what you say." (Applause.)

The Living Flag.—After the dismissal President Taft and his escort re-entered their cars and sped to the junction of South Temple and A. Streets, there to review "The Living Flag," a unique and inspiring spectacle consisting of hundreds of school children, dressed in the national colors and arranged in such a way as to present a perfect representation of the Stars and Stripes. While the President and those about him stood with uncovered heads in front of the beautiful emblem, which occupied a mammoth stand on the incline of A Street, the children, led by Professor Wetzell, sang "The Star Spangled Banner" and other patriotic songs. After a short address to the Young Men's Christian Association, the President attended services at the Unitarian Church. At noon his train pulled out for the Northwest. As previously at Helper, Springville, American Fork, Lehi, and Midvale, brief halts were made at Ogden, Brigham, and Cache Junction. At each of these places old and young came out to greet the distinguished guest and receive his words of wise counsel.

The Battleship "Utah."—In December of that year Governor Spry represented the State at the launching and christening of the United States battleship "Utah;" the event taking place at the navy yards of the New York Ship-building Company, Camden, New Jersey. Thus was fulfilled the promise of Secretary Moody, given in May, 1903. The Governor's daughter, Miss Mary Alice Spry, acted as sponsor for the great war vessel in the ceremony committing her to the waves.

THE "UTAH," U. S. N.

The Spry Policy.—Governor Spry has taken a deep interest in educational matters, and heartily favors the extension of State aid to high schools. As chairman of the Board of Corrections, he has exerted his efforts toward placing the State Prison on a self-supporting basis, by utilizing convict labor in agricultural and manufacturing activities. The Governor has great faith in Utah's future. Impressed by the fact that many of her young men and women were moving into surrounding States, he has urged the stay-at-home doctrine in his public utterances. From the day of his inauguration he has publicly urged the burial of differences and animosities that have retarded the growth of the State and held back the development of its resources.

A Pending Election.—As this volume goes to press (October, 1916), Governor Spry's administration is drawing to a close. Utah is on the eve of an election, the issue of which will determine who is to be inaugurated in January, 1917, as the fourth Governor of the State.

XXXVI.

RESOURCES AND DEVELOPMENT.

1916.

An Evenly Developed State.—Utah is a land of wonderful resources, and her resources have been evenly developed. Governor Wells, in his inaugural address, made mention of this fact, and further eulogized the material features of his native State. Said he: "She has the greatest diversity of industry, and offers the greatest variety of occupation, of any state in the Union. The fame of Utah has gone forth to the world, not alone as a mining state, nor as an agricultural state, nor as a grazing state, nor as a manufacturing state, but she is famous in each and all of these various pursuits, and is known not more widely for her gold and silver, than for her potatoes and woolen goods."

JUDGE E. F. COLBURN.

Independent and Self-supporting.—Another authority—Judge Edward F. Colburn—publishes the following opinion: "Probably no other state in the Union has within its borders such a variety of resources. No other State could be so nearly independent and self-supporting. If intercourse with the outside world were cut off, there are few of the necessities or luxuries that could not be produced in abundance within the boundaries of Utah. It is an empire within itself."

Agriculture.—Adam's occupation—the tilling of the soil—will always be the most important industry in the State of Utah. Mining may produce more wealth, but wealth alone—material wealth—does not determine the question of importance. The beginnings of agriculture in this region were at the Pioneer camps on City Creek. There was no monopoly of land

or water in that early colony, nor in any of the colonies that sprang from it. Small holdings were the rule. It was a maxim in the community that a man should own no more ground than he could cultivate. Each settler was given a town lot and a small field on the outskirts. He was expected to take good care of them, and be industrious and provident. The real estate was distributed by lot, each holder paying a nominal fee to meet the expenses of surveying and recording. In return a temporary right of occupancy was given, contingent upon the grant of the General Government, when the Federal land laws should be extended over the newly-acquired region. A town lot contained an acre and a quarter, and a field, five, ten or twenty acres. According to the State Commissioner of Statistics, the average farm in Utah at the present time is one hundred and fifty acres.*

Irrigation.—The soil in Salt Lake Valley and the surrounding region was found to be so dry and hard as to require flooding before it could be succesfully plowed, and the rainfall was so light and the dry seasons so prolonged that the settlers, in order to raise crops, were compelled to resort to irrigation as a regular practice. This involved much labor, but abundant returns repaid the toiler. Far greater crops are produced by irrigation than would be possible without it, even where rain is plentiful. At first the mountain streams, turned out of their original channels into ditches dug for the purpose, were used for moistening and making productive the barren ground. Afterwards canals were constructed and the rivers utilized in like manner upon a larger scale. The artesian well, unknown to the Pioneers, is a recognized institution with their descendants. Reservoirs to impound water have been built to the number of five hundred, besides six thousand miles of main canals and two thousand miles of laterals.

Dry Farming.—At one time irrigation was thought to be indispensable in Utah—that nothing could be raised without it; but in recent years it has been found possible in some places to mature good crops without irrigation. This discovery was made about 1860, but the fact was not generally accepted until many years later, when dry farming was successfully practiced in central and southern Utah. With a view of awakening the public mind to the possibilities in arid farming, the

*The greatest number of farms are in Cache, Utah, Salt Lake, Sanpete, Weber, Davis, Box Elder and Tooele counties. Next come Garfield, Emery, Wasatch, Washington, Millard, Beaver, Morgan, Juab, Iron, Sevier, Kane and Rich counties. The stock-growing districts are in the counties of Beaver, Box Elder, Emery, Garfield, Grand, Iron, Juab, Millard, Morgan, Rich, San Juan, Sanpete, Tooele, Utah, Washington and Wayne.

Legislature of 1903 located six experimental dry farms, one in each of the following named counties: Iron, Juab, San Juan, Sevier, Tooele and Washington. The sum of $12,500 was appropriated to meet the cost of the experiment during two years. The Legislature of 1905 appropriated $15,500 for the purpose of continuing the investigations. These farms are conducted under the direction of the Experiment Station connected with the Agricultural College.*

The National Irrigation Law.—An Act of Congress approved June 29, 1902, provided that the proceeds from the sale of public lands in certain States and Territories might be used for the construction of irrigation works for the reclamation of arid lands; the purpose being to impound the waste waters for the benefit of the farming population. The Secretary of the Interior was authorized to make examinations and surveys, and to locate and construct works for the storage, diversion and development of waters. Throughout Utah there are many natural depressions, easily convertible into reservoirs wherein to preserve the surplus flow of the streams; the wet seasons thus being made to minister to the dry.

Utah as Gamaliel.—It was soon after the enactment of the National Irrigation Law that President Roosevelt visited Utah. His speech at the Salt Lake Tabernacle contained a passage well worthy of preservation in this History: "Not in recent years," said he, "has any more important law been put upon the statute books of the Federal Government than the law, a year ago, providing for the first time that the National Government should interest itself in aiding and building up a system of irrigated agriculture in the Rocky Mountain and Plain States. And here the Government, to a degree, had to sit at the feet of Gamaliel in the person of Utah; for what you have done and learned was of incalculable benefit to those who engaged in framing and getting through the National Irrigation Law. For irrigation was first practiced on a large scale in this State. The necessity of the Pioneers here led to the development of irrigation to a degree absolutely unknown before upon this continent, and in no respect was the wisdom of the early Pioneers made more evident than in the sedulous care they took to provide for small farms carefully tilled by

*The success so far achieved by these experiments is largely due to Doctor John A. Widtsoe, former director of the Experiment Station, later President of the Agricultural College, and now President of the University of Utah. Professor L. A. Merrill, P. A. Yoder, and W. M. Jardine also deserve honorable mention in this connection. Dr. Widtsoe has written several books, dealing in a thorough and scientific manner with these interesting themes.

those who lived on and benefited from them. And hence it comes about that the average amount of land required to support the family in Utah is smaller than in any other part of the United States."

"Now the Federal Government must co-operate with Utah and Utah's people for the further extension of the irrigated area. Some of the most important provisions of the Federal Act, such as the control of irrigation works by the communities which they serve, such as making the water appurtenant to the land, and not a source of speculation apart from the land —all that was based upon the experience of Utah." "Now one of the tasks that the Government must do here in Utah is to build reservoirs for the storage of the flood water." "Besides the storage of water, there must be protection of the water sheds, and that is why I ask you to help the United States Government to protect the water sheds by protecting the forests upon them."

The Strawberry Valley Project.—The first fruits of the National Irrigation Law in Utah was the construction, by the

STRAWBERRY VALLEY RESERVOIR.

Government, of the Strawberry Valley Reservoir and Canal. This great project, completed during May, 1916, tunnels the Wasatch Mountains seventy-five miles south of Salt Lake City, and brings upon many thousands of arid acres in Utah

Valley the waters impounded for this purpose eastward of that rocky range.

Irrigation Congresses.—President Roosevelt's timely remarks upon the reclamation of arid lands found a fitting supplement in the National Irrigation Congress, the eleventh session of which convened at Ogden in the autumn of that year. This was not the first Irrigation Congress in Utah, one having met at Salt Lake City in September, 1891, when sixteen States and Territories were represented. The meetings, extending through three days, were held in the Exposition Building, on the Tenth Ward Square. The Ogden gathering was "a convention of specific significance" to the States and Territories whose arid lands were to be reclaimed by the Federal Government under the provisions of the National Irrigation Act—namely, Arizona, California, Colorado, Idaho, Kansas, Montana, North Dakota, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming. Beginning on the 15th of September, the Congress continued four days. United States Senator W. A. Clark, of Montana, presided over the deliberations. A prize Irrigation Ode, written by Mrs. Virginia D. McClurg, of Colorado Springs, and set to music by John J. McClellan, organist of the Salt Lake Tabernacle, was sung at the opening of the session by the Ogden Tabernacle Choir, led by Joseph Ballantyne. Among the speakers were Governor Wells, Senator Clark, Secretary Wilson, Chief Engineer Newell, Chief Forester Pinchot, John Henry Smith and William E. Smythe, "The Father of the Irrigation Congress." Letters were read from President Roosevelt and other American statesmen, and among the visitors were representatives of the French and Mexican governments.

SENATOR W. A. CLARK.

Soils and Products.—The soils in this region are said to be the deepest and richest in the United States, extending in many instances to a depth of forty feet. Utah produces more

sugar beets and barley to the acre than any other State; she is tied with two other States for first place in the yield of potatoes to the acre, and is second among the States in the yield of wheat per acre.* The wheat yield on dry land is from twelve to thirty-five bushels an acre, and on irrigated farms sixty bushels an acre. The quality of the grain is excellent. Oats yield from fifty to eighty-five bushels an acre. Utah barley weighs over fifty pounds to the bushel, and is considered superior to any other produced in the United States. Utah potatoes are famous both at home and abroad. About one hundred thousand acres of land are devoted to the raising of sugar beets. Whole families cultivate them and find profitable employment in so doing. The average production per acre is over twelve tons—in Germany it is ten to eleven tons, and in Nebraska eight tons. As high as thirty-three tons per acre have been produced in Utah. Alfalfa, a forage plant, flourishes on this soil, three or four crops a year being raised in the lower valleys, where water is plentiful; while upon rough, dry, and stony ground, at least one crop can be raised without irrigation.

PROFESSOR JOHN J. M'CLELLAN.

Horticulture.—The Utah fruits are superior in sweetness, firmness, beauty and fine flavor. Apples, pears, peaches, apricots, cherries, nectarines, plums, grapes, strawberries, raspberries, currants, and all the small fruits thrive. At the junction of the Rio Virgen and Santa Clara rivers, figs, pomegranates, and other tropical fruits abound. At the Fifteenth National Irrigation Congress, held at Sacramento, California, in September, 1907, Utah won among other prizes the Hearst Sweepstakes Trophy, for the best collective State exhibit of irrigated land products.†

Utah's agricultural production for 1915 is shown in the

*"Facts about Utah," by H. T. Haines, Commissioner of Statistics, New West Magazine, Salt Lake City, June, 1916.

†The principal fruit-growing districts are in Box Elder, Weber, Utah, Salt Lake, Grand and Washington counties. The Green River country is also looming up as a great fruit-growing region.

following table, furnished by the Commissioner of Statistics:

	Amount	Value
Wheat, bushels	8,225,000	$ 6,662,250
Oats, bushels	4,600,000	1,886,000
Barley, bushels	1,377,000	633,420
Rye, bushels	195,000	126,000
Corn, bushels	391,000	238,510
Potatoes, bushels	2,600,000	1,690,000
Hay, tons	988,000	8,398,000
Sugar beets, tons	695,000	3,419,400
Alfalfa Seed, tons	50,000	450,000
Sweet Clover, tons	7,000	54,000
Red Clover, tons	500	5,700
Orchard Fruit—		
Apples, bushels	436,000	501,400
Peaches, bushels	247,000	123,000
Pears, bushels	38,000	32,000
Orchard Fruit (including cherries, apricots, plums and prunes)		256,000
Small Fruit		700,000
Nursery Products		200,000
Flowers and Plants		100,000
Vegetables		1,500,000
Dairy Products		3,000,000
Miscellaneous		1,000,000
Eggs and Poultry		2,600,000
Honey		100,000
Live Stock		10,000,000
Wool, pounds	16,000,000	3,520,000

UTAH RAMBOUILLETT SHEEP.

Stock Raising.—All the farmers have horses and cattle, and many of them, sheep and swine. The yearly wool clip amounts to many millions of pounds, and is continually in-

creasing. Much of this is worked up at home. Poultry raising and egg production flourish in connection with farming. The number and value of live stock in Utah on January 1st, 1916, were as here indicated:

Horses	146,000	$12,556,000
Mules	2,000	156,000
Milch Cows	96,000	5,952,000
Other Cattle	408,000	14,606,400
Sheep	2,090,000	11,286,000
Swine	112,000	873,600

An Agricultural Forecast.—President John A Widtsoe forecasts as follows the three directions in which Utah agriculture promises to develop: First, the live stock industry, in which dairying will be foremost; second, horticulture, in which the fruit interests will predominate; and thirdly, arid farming, or the production of grains and other crops on our deserts. Bee-keeping, floriculture, market gardening, etc., will be secondary in importance to the three branches mentioned. The sugar beet business will be controlled almost entirely by the number of factories in operation. The hog and beef industry will be incidents of the dairy business. Sheep and cattle on the range will likely decrease as land becomes better utilized for general farm purposes, and sheep and cattle on the farms will probably increase in almost the same ratio. The greatness of the sugar beet business is that its product is shipped out as a manufactured article. The strength of the dairy busines lies in the same fact—butter and cheese are both manufactured products. The canneries and fruit-drying establishments will be to horticulture what the creamery and cheese factory is to dairying.

DR. JOHN A. WIDTSOE.

The Manufacturing Interests.—While Utah is mainly an agricultural and a mining State, she is also known for some very important manufacturing industries that flourish within her borders. That the commonwealth might become self-sus-

taining, was the dream of its founders. As early as 1852 a strong effort was put forth to awaken the people to a realization of the necessity existing for the establishment of home industries. The community was isolated, a thousand miles from outside civilization, with no better means of communication than the ox or mule wagon. How long the isolation would continue was uncertain, and meanwhile the problem confronting the settlers was twofold. They must either produce what they consumed, or pay local merchants, in many instances, four or five times the worth of imported goods. This condition made home production imperative. In 1856 the Deseret Agricultural and Manufacturing Society was organized, for the special purpose of encouraging and promoting home manufactures and kindred interests. The Society held regular autumnal exhibitions for the display of, and awarding of prizes to, the best products of farm, factory, and industrialism in general. That year saw the first Territorial Fair, the forerunner of our present State Fairs.

The Textile Industry.—The raising of flax, silk, cotton and wool, and the manufacture of cloth and various articles from these products, was advocated from the beginning. In some places these industries were established, though necessarily on a limited scale. The people were poor, and in most cases were obliged to co-operate. Spinning wheels, hand looms, and carding machines, home-made and imported, appeared at a very early date. The flax industry gradually waned, and about the year 1880 disappeared; but sericulture continued its experiments and manufactures, as did enterprises having cotton and wool as their basis. The decline of the textile industry was largely owing to the advent of the railroad, bringing manufactures from abroad. The local factories were unable to compete with centers having cheaper raw materials, cheaper labor, and better machinery.

Sericulture.—Utah is a natural home for sericulture. During the fore part of the "'fifties" silk worms and mulberry trees were imported from France, and Brigham Young and other prominent citizens led out in the establishment of cocooneries and the raising of silk. For many years, at the Territorial and State Fairs, there have been exhibited fine specimens, not only of raw silk, but of silk fabric made into dresses, shawls, aprons, handkerchiefs, and other articles. The wife of President Hayes, while at Salt Lake City, in September, 1880, was presented by the Ladies' Relief Society with an elegant fischu of native silk, the work of Mrs. Ursenbach, an adept in sericulture. The article was valued at seventy-five dollars. Mrs. Hayes was delighted with the gift, and assured the givers that she would wear it on state occasions. Later, Miss Susan

B. Anthony, the noted suffragette, was presented with a handsome silk gown, by the ladies of the Utah Silk Association. Allusion has previously been made to the attractive silk exhibit sent from the Territory to the World's Fair, in 1893.

Cotton and Wool.—Cotton was raised in Northern Utah as early as 1851, but the southern part of the State is a far more promising field for such an industry. In 1855 cotton seed, brought from the Southern States, was planted in the Santa Clara Valley, and from the product of that planting thirty yards of cloth were made—the first cotton fabric manufactured in Utah. The cotton seed—one quart—was sent by Nancy Pace Anderson, a Southern lady residing at Parowan, to Jacob Hamblin, then a missionary among the Indians on the Santa Clara. The cloth was made by Caroline Beck Knight, Maria Woodbury Haskell, and Lyman Curtis. The ginning and spinning were done by hand, and the weaving on a treadle loom. In 1858 Joseph Horne, heading a colony from Salt Lake City, established a cotton farm on the Rio Virgen. The impetus given to cotton culture in Utah by the Civil War, which well-nigh ruined the industry in the Southern States, has been noted in a former chapter. In 1862 cotton mills began to appear at Parowan, Springville and other places. The most important one was built at Washington, Washington County, in 1865; it was also a woolen mill. The Southern Utah Co-operative Mercantile Association dealt largely in cotton. Part of the raw product went to California, while some of it was freighted across the plains and forwarded to New York, where it sold at $1.40 to $1.90 a pound. After the close of the great conflict, the cotton industry revived in the Southern States and declined in Utah.

JOSEPH HORNE.

The wool industry is almost as old as the commonwealth itself. A thousand sheep came with the immigration of 1848, and the first public carding machine was set up in Salt Lake Valley by Amasa Russell. To promote this industry the

Legislature of 1852 appropriated the sum of two thousand dollars. At Provo, in 1851, Shadrach Holdaway opened a small woolen mill, the machinery for which had been purchased in St. Louis. Brigham Young had a carding machine on Parley's Canyon Creek, and Heber C. Kimball one on City Creek. Others were put up in various places. Many families had private looms, and took pride in making their own

KNIGHT WOOLEN MILLS.

clothing. Men, women, and children dressed in home-made "sheep's gray." In 1873 two woolen mills—the Wasatch and the Deseret—were in operation near Salt Lake City; and at the same time Ogden, Brigham, Grantsville, Provo, Beaver, Washington, Springville, Kingston, and West Jordan each had one. They made yarn, jeans, linseys and satinets. The largest and most successful of these establishments—the Provo Woolen Mills—was founded in June, 1869, by A. O. Smoot and associates. In 1870-1872 a factory building was erected, and seventy thousand dollars worth of machinery placed and started to running. Next year the first cloth was put upon the market. The Provo Manufacturing Company had a capital of half a million dollars. They carried on a prosperous manufacturing business, and engaged extensively in the wool trade. Their mills shut down in October, 1906, but have since resumed operations under a new name, that of the Knight Woolen Mills, Jesse Knight, of Provo, being the main proprietor.

Sugar Making.—Utah's most successful manufacturing industry at the present time—if we except the smelting, milling and refining of ores—is the making of beet sugar. The humble and unsuccessful beginning of this business, in 1852, when John Taylor, who had become familiar with the beet sugar culture in France, brought from Liverpool to Salt Lake City the first sugar machinery, has already been mentioned. For many years the project slept. Great quantities of sugar cane were raised, and molasses and a crude quality of brown

ARTHUR STAYNER.

ELIAS MORRIS.

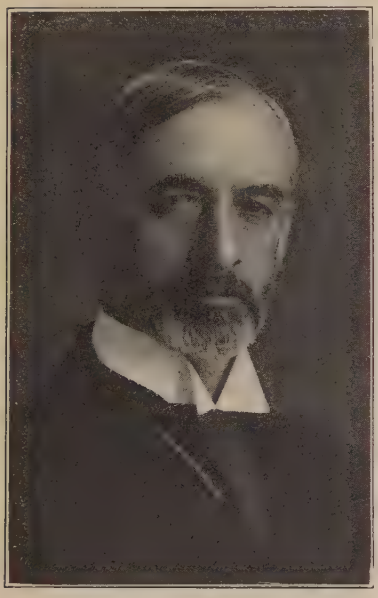
sugar resulted from the boiling of the cane juice. But the beet sugar idea was in abeyance.

About 1886 Arthur Stayner, of Salt Lake City, began to agitate the subject of sugar making. He devoted a great deal of time to working up a sentiment in its favor. President Woodruff and the leading men of the Church became deeply interested, and a syndicate was formed to push forward the enterprise. Heber J. Grant, as the agent of Cannon, Grant & Company, was particularly active in this direction. In August, 1889, the Utah Sugar Company was incorporated, with Elias Morris as President, and Arthur Stayner as Secretary and General Manager. In 1891 a factory was built at Lehi, and gradually the industry extended, until now there are eleven large factories in Utah, and several in adjoining States

owned by Utah people. The Utah factories are at Lehi, Ogden, Logan, Lewiston, Garland, Brigham, Layton, West Jordan, Spanish Fork, Payson, and Elsinore. There are also cutting stations at Provo and Springville, from which the beet juice is conveyed by pipe lines to Lehi. The output of the factories operating in 1915 was about two hundred million pounds of sugar. It is shipped north to Oregon, west to Nevada, and as far east as the Atlantic Coast.

The Utah-Idaho Sugar Company is under the general management of Thomas R. Cutler, with Horace G. Whitney as Secretary and Treasurer. The Amalgamated Sugar Company, of Ogden, is managed by Leroy R. Eccles; and the Layton Sugar Company, of Layton, by James Ellison. Another name very prominently connected with the sugar business, and with other large enterprises, is that of Bishop Charles W. Nibley, of Salt Lake City.

HEBER J. GRANT.

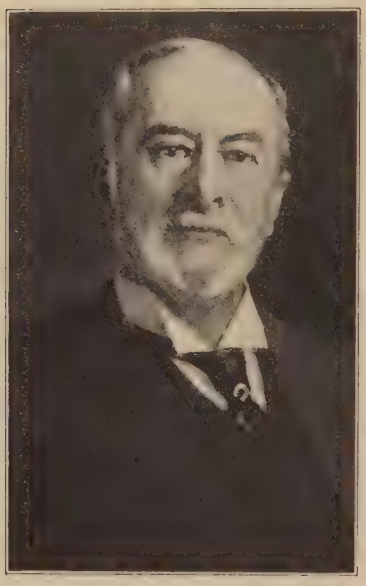


BISHOP C. W. NIBLEY.

Salt Production.—Utah is a land of salt. There are mountains of it in Juab, Sanpete and Sevier counties, and the Great Salt Lake holds within its briny waters an inexhaustible supply. The rock salt in Central Utah is so clear that one can read through it, as through glass. The salt in the Lake is obtained by pumping the brine into elevated flumes, which carry it inland

to prepared evaporating ponds, where it deposits its mineral elements and crystallizes under the heat of the sun. The crude salt is refined in mills constructed near the ponds, and the product is used for table and other domestic purposes, also for live stock, dairying, manufacturing, silver reduction, and the packing of meats and hides.

Up to 1889 no attempt had been made to utilize on a large scale, or in any but a crude and imperfect manner, these natural saline treasures. That year the Inland Crystal Salt Company was incorporated by Nephi W. Clayton, Jere Langford and others, who built the first salt refinery, and later sold their business to Kansas capitalists at a large profit. In 1893



THOMAS R. CUTLER.

HORACE G. WHITNEY.

Mr. Clayton and associates organized the Inter-Mountain Salt Company, which, in 1898, consolidated with the first named enterprise, under the title of the Inland Crystal Salt Company. They have a salt farm of three thousand acres on the eastern shore of the Great Salt Lake, and manufacture every year about forty thousand tons of salt, representing in cash $250,000.

Canneries.—The canning business is rapidly assuming large proportions. There are many fruit and vegetable canneries in Utah, most of them in Weber, Davis and Box Elder counties. The outside market for this product is in the sur-

rounding States and as far east as Nebraska, Kansas, Iowa and Missouri.

Miscellanies.—In addition to the industries named, Salt Lake City, Ogden, Provo, Logan, and Spanish Fork all have shoe factories. Z. C. M. I. conducts a large shoe and overall factory, employing about two hundred men and women. Utah has brick-making plants, cement works, machine shops and foundries, saw mills, flouring mills, planing mills, stone quarries, lime kilns, potteries, tanneries, knitting factories, and creameries. Concerns for the manufacture of steam boilers, iron fencing, lead pipe, picks, brooms, brushes, vehicles, mattresses, show cases, crackers, ice, confectionery, vinegar, plaster of paris, paper boxes, rubber stamps, picture frames, harness, upholstery, chemicals, gloves, coffins, mosaic tiles, and an endless variety of other articles, are running in various parts of the State.

Growth of Mining.—From 1863 until 1865 mining in Utah was an infant in arms. From 1870 it was a youth, strong and vigorous, and ten years later it had developed into mature manhood. Today it is a giant, and still growing. The metal output of the State in 1915 aggregated in value $61,081,633. For 1916 it bids fair to reach ninety millions. Utah ranks second among the States in the production of silver, third in lead, fourth in copper, and sixth in gold. Her known metal product for gold, silver, copper, lead and zinc alone, according to the U. S. Geological Survey, is valued at $691,301,832. The known dividends paid by the Utah metalliferous mining companies is $131,000,000. The estimated contents of Utah's coal fields is 196,000,000,000 short tons.

SAMUEL NEWHOUSE.

And yet mining in Utah may be said to have only just begun. No county in the State is without minerals of some kind. Copper, silver, gold, and sulphur of the purest quality are found in Millard; Iron County has mountains of the metal for which it was named; and the Summit coal mines have been worked for a generation. In Carbon County coal mining is the leading industry, and that section, with parts formerly

embraced by the Uintah and Uncompahgre Indian reservations, are rich in hydrocarbons. Some of these—such as gilsonite (gum asphaltum) and elaterite (a sort of mineral rubber)—are peculiar to Utah. Ozocerite (mineral wax) is found in but one place outside the State. Asphaltum is taken from springs and lakes, also from limestone and sandstone. Mineral oils ooze up from the earth along the shores of the Great Salt Lake and in other places. Underlying reservoirs of natural gas have long been drawn upon for domestic uses. Saltpeter, alum, soda, bismuth, and other minerals in endless variety are common. Marble, onyx, chalcedony, granite, shales, and all kinds of building stones abound.

Centers of Activity.—The great centers of mining activity and productiveness are Bingham, Eureka, and Park City. Important developments are also going on in Beaver and Box Elder counties, and in other parts of the State. Bingham, situated in the Oquirrh Mountains, about twenty miles southwest of Salt Lake City, is the oldest mining camp in Utah. Silver, lead, and gold were mined there early in the seventies. Copper was also produced, but not so plentifully as in recent years, when modern methods of handling these ores have given to the old camp a new fame. Since July, 1896, when Samuel Newhouse acquired possession of the Highland Boy Mine, Bingham has undergone a complete transformation. Up to that time, only the ordinary processes of mining were employed there, but now immense steam shovels, capable of moving seven tons of earth at one scoop, are leveling down the mountains. The characterizing feature of Utah mining today is not in the richness of the finds, but in the vast tonnage of copper ores handled. Bingham's prestige as a copper-producing camp is largely due to D. C. Jackling, a leading mining engineer, whose ideas, practically applied, have made possible the successful handling of these low grade copper ores.

D. C. JACKLING.

Beaver County also has immense copper deposits. Near

the Cactus group of mines stands Newhouse, a model mining town, built by the rich proprietor whose name it bears. The recent developments in that district and in Bingham Canyon have placed Utah near the top of the list of the great copper states of the Union.

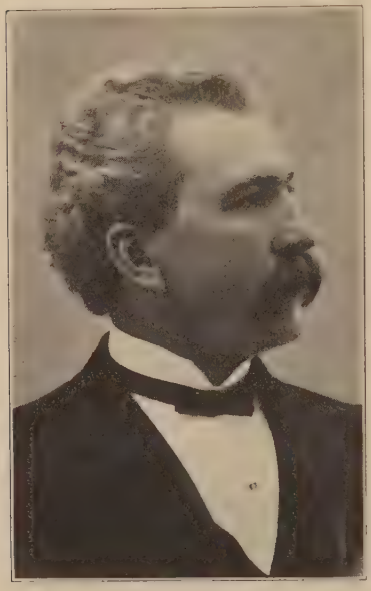
Tintic, eighty-five miles southwest of the Utah capital, is a silver mining field, though lead, copper, and gold are also found there. The first mines were located about the year 1870. Following the Sunbeam and the Eureka Hill, came the Bullion-Beck and the Centennial Eureka, both of which were great producers. The district has many other noted properties. The principal towns are Eureka and Robinson. Knightsville is a temperance town, founded by Jesse Knight of Provo. Another large owner in Tintic is Mr. John Dern, of Salt Lake City.

JOHN DERN.

In the Wasatch Mountains, thirty miles east of Salt Lake Valley, stands Park City, the home of the Ontario Mine, which created the town and made it famous. The Silver King, the Judge, the Daly-West, and other rich properties have perpetuated its fame. The Ontario is one of the deepest, and has been one of the most prolific mines in the world. It has more than sixty miles of underground workings, including a drain tunnel three miles long, through which rushes a huge torrent of water drained from a large area rich in minerals. Hundreds of men are employed in the depths of the Park City mines, picking, blasting, and hauling the glistening galena (silver-lead ore) to the foot of great shafts up which the tram cars containing it are hoisted. The hoists are run by steam and electricity, which also lights the shafts and tunnels. Among the leading mine owners of Park City are David Keith, Thomas Kearns, John J. Daly, Otto Hanke, W. Mont Ferry, the Bambergers, and the Judge Estate.

Other Mining Camps.—In Alta, Big Cottonwood, American Fork, and Ophir mining revivals are in progress. This is especially noticeable in Ophir, one of the earliest of

local mining camps. Marysvale, Piute County, is gold-bearing ground. Frisco, in Beaver County, has the famous Horn Silver Mine, and at Silver Reef, Washington County, rich silver ores are found in petrified trees, the remains of an ancient forest imbedded in the sandstone; a unique geological feature, unparalleled, so far as known, in any other mining region. The Deep Creek country, in Western Utah, needs but a railroad to make of it a prosperous mining field. In that district is found the semi-precious mineral, tungsten, the price of which rose to a phenomenal height after the outbreak of the European war.



DAVID KEITH.

Ore Reduction and Refinement.—The usual methods of treating ores, in order to separate the metal from the rock, prior to further reduction and refinement, are concentrating and smelting. Concentration is a process whereby most of the mineral values in a number of tons of ore are condensed into a smaller unit. It is done by crushing the mineral-bearing rock with iron stamps, or in a huge crusher shaped like a coffee mill, and then passing it, with water, over shaking tables, where the rock is washed away, leaving the heavier metallic particles. Ores are smelted in furnaces, where they are mixed with fluxes of iron, silica, and lime, which cause them to yield readily to the heat. The metal product is called matte, and in a more refined state, bullion.

Smelters and Mills.—Conditions in Utah are very favorable to the smelting industry. Most of the smelters and mills are in Salt Lake Valley, which has become a great ore-reducing center, treating not only the product of local mines, but also ores from other States. One of the largest smelting plants in existence, is that of the American Smelting and Refining Company, at Garfield, on the southern shore of the Great Salt Lake. Near by stand two concentrating mills, owned by the Utah Copper Company. These mills—the largest in the world—handle thirty-five thousand tons of ore each day, and are being increased to a capacity of fifty thousand. The Inter-

national Smelter, in Tooele Valley, is a worthy rival of the great plant at Garfield. The United States Smelting, Refining and Mining Company has a lead-silver smelting plant at Midvale, and at Newhouse there is a mammoth modern concentrator.

Mercur and the Cyanide Process.—Up to June, 1912, Mercur, in Camp Floyd district, was the heaviest gold producer in Utah. Quicksilver (mercury) was also mined there; hence the name—Mercur. This town, though now dead, will be remembered as the cradle of the cyanide process of gold extraction. "By the usual amalgamation process," wrote Professor J. H. Paul, of the University of Utah, while Mercur was at the height of its prosperity, "from forty to sixty per cent of

THE AMERICAN SMELTER, GARFIELD.

the gold was left in the tailings or refuse ore. The ore was crushed and passed over copper plates covered with quicksilver, which collected the free gold as the pulverized ore was washed over the plates in water. This quicksilver amalgam was then heated in retorts and the mercury was distilled off and collected for further use. The gold left behind was made into bricks. The cyanide process * * * * extracts from seventy to ninety-five per cent of the gold. * * * At the great cyanide mill of Mercur, which treats about eight hundred tons of ore and uses six hundred pounds of cyanide each day, this deadly stuff is simply shoveled into tanks of water and dissolved. The ore, a soft, yellowish rock, is ground

fine and soaked for twenty-four hours in the cyanide solution, which dissolves the gold. The next thing is to get the gold from the solution, which is done by passing the liquid through a series of compartments filled with zinc shavings, or into a tank containing zinc dust and stirred by a jet of air. The dissolved gold now deserts the solution and clings to the zinc. The water is drawn off, more cyanide is shoveled into it, and it is again ready for use. Weak sulphuric acid is added to the zinc dust and shavings, and they are dissolved; the zinc solution is drawn off, leaving the gold behind in the fine slime. This mud is then filter-pressed, dried, ground, mixed with reagents, and melted. The gold sinks to the bottom and is finally run off into molds, forming real gold bricks worth from $20,000 to $30,000 apiece."

Railroads.—Earlier chapters of this history have dealt with the pioneer railroads, general and local, and with the advent of the Denver and Rio Grande Railroad, in 1883. The company that built the D. and R. G. has owned and operated for many years a branch line from Thistle Valley Junction through Sanpete Valley, as far south as Marysvale. It has also acquired or constructed branch roads to Bingham, Tintic, Park City, Heber, and the coal fields in Emery and Carbon counties.

The Oregon Short Line.—The Oregon Short Line Railroad Company was organized at Salt Lake City in February, 1897. Acquiring possession of the Utah Central, Utah Northern, Utah Southern, Utah Southern Extension, and Salt Lake and Western lines, it extended its system northward and southward. With its western connection, the Oregon-Washington Railroad and Navigation Company, it now reaches from Salt Lake City to Seattle, penetrating by numerous branches the farming and mining districts of Northern Utah, Idaho, Western Wyoming, Montana, and Eastern Oregon. The completion of the Yellowstone Park branch during 1908 greatly increased the tourist travel through the State. The Oregon Short Line is included in the Union Pacific system, of which E. E. Calvin is President. The General Passenger Agent of the Short Line is a Utah-born man, Mr. D. S. Spencer, of Salt Lake City.

Across the Lake.—On the Southern Pacific, between Ogden and Lucin, Utah, a remarkable piece of railroad engineering and construction was completed in 1903. It is known as the Great Salt Lake Cut-off, and is one hundred and three miles in length, about one-third of it built upon trestle work and fills-in over the waters of the Great Salt Lake. Formerly the track curved around the northern shore, and trains were

compelled to climb the long grades of Promontory Hill, one hundred and four feet to the mile. Helper engines were necessary, entailing an expense of fifteen hundred dollars a day. The Cut-off not only saves this heavy expense, but shortens the distance between Salt Lake City and San Francisco more than forty miles. The scheme for the improvement, which cost four million dollars, originated with President Collis P. Huntington, of the Southern Pacific Company, and the

E. E. CALVIN.

D. S. SPENCER.

plans, perfected after his death, were approved and executed by E. H. Harriman, when he took charge of the road.

The Salt Lake Route.—The Los Angeles and Salt Lake Railroad connects the capital of Utah with the principal cities and towns of Southern California. Comprising the old Utah-Nevada, Utah Southern, and Utah Southern Extension—the two latter acquired from the Oregon Short Line—"The Salt Lake Route," as it is popularly termed, crosses the State line at Uvada, in Iron County, and follows the early emigrant trail across the desert, passing through the great mining fields of Southern Nevada. The man whose millions made possible this enterprise was W. A. Clark, of Montana. There is a cut-off between Stockton and Lynn Junction, and branch lines from Lehi Junction to Boulter, from Tintic to the

Tintic Mining District, from Delta to Lucern, and from Milford to Frisco.

Western Pacific and Other Lines.—The Western Pacific Railway, built late in the nineties, connects Salt Lake City with San Francisco. Several miles of its roadbed extends across the southern end of the Great Salt Lake. The Salt Lake and Ogden (the Bamberger line) parallels the Oregon Short Line and Denver & Rio Grande through Davis County. The Salt Lake and Los Angeles, whose original destination was Southern California, operates between Salt Lake City and Saltair, on the eastern shore of the Lake. Interurban lines more recently constructed are the Salt Lake and Utah (the Orem road) between Salt Lake City and Payson; and the Ogden, Logan and Idaho, between Ogden and Preston.

SIMON BAMBERGER.

W. C. OREM.

Street Railways.—It was August, 1889, when the first electric cars appeared upon the streets of the Utah capital. Within a year the entire system of the Salt Lake City Railroad was changed from horse-power to electric traction. In 1902 the owners, A. W. McCune, Francis Armstrong, and others, bought out the Rapid Transit, a competing system, and this consolidation, merging into the Utah Light and Power Company, became known as the Utah Light and Railway Company. It was purchased by E. H. Harriman in 1906, and

improved. The system covers Salt Lake City and runs to Fort Douglas, Murray and other suburban points. One of the latest developments of this kind is the Emigration Canyon Railroad, built by Le Grand Young and associates. Ogden, Provo, Logan and Brigham all have electric street railways, the first named extending up Ogden Canyon.

LE GRAND YOUNG.

Telephone and Phonograph.—The telephone was introduced into Utah by A. Milton Musser, who also brought in the phonograph, and gave exhibitions of the powers of both instruments at his home town—Salt Lake City. The telephone came in February, 1878. Mr. Musser held the agency for Utah. He connected Salt Lake City and Ogden temporarily, and established several small circuits at the capital. Since then great telephone systems have taken the field, and quick communication is common all over the State. The Bell Telephone Company began business at the Utah capital in 1880, with an exchange of less than one hundred subscribers, but soon acquired possession of two small isolated plants at Park City and Ogden, and opened its first long distance line between the former place and Salt Lake City. In 1902 there arose a strong competitor—the Utah Independent Telephone Company, whose system embraced the principal towns and mining camps throughout the State. Most of the small plants distant from the capital were absorbed by

GEORGE Y. WALLACE.

one or the other of these large companies, which subsequently merged into one. No Utah name is more intimately connected with the telephone business than that of Mr. George Y. Wallace.

Electric Light and Power.—The first local experiments in electric lighting were made on the streets of Salt Lake City about the year 1880. At that time gas was used for street

HOTEL UTAH.

and house lighting. Subsequently the Salt Lake and Ogden Gas and Electric Light Company operated gas-making plants and steam-generating stations in the two cities. During 1894 a power plant was built in Big Cottonwood Canyon, the object being to use the waters of that creek to generate electricity for lighting, heating and propelling purposes. Eleven years later a similar plant was put in lower down the stream, to furnish power for the Salt Lake City Railroad, which had been generating its electric force by steam. Next came the Pioneer Power Plant in Ogden Canyon (1897). The owners of that enterprise secured a contract for street lighting in Salt Lake City. In 1897 and 1901 the Telluride Power Company, a Colorado corporation, put power plants in Provo and Logan canyons, and in 1903 the Utah Sugar Company placed one in Bear River, to operate in connection with its irrigation system. These six water power plants now furnish, in con-

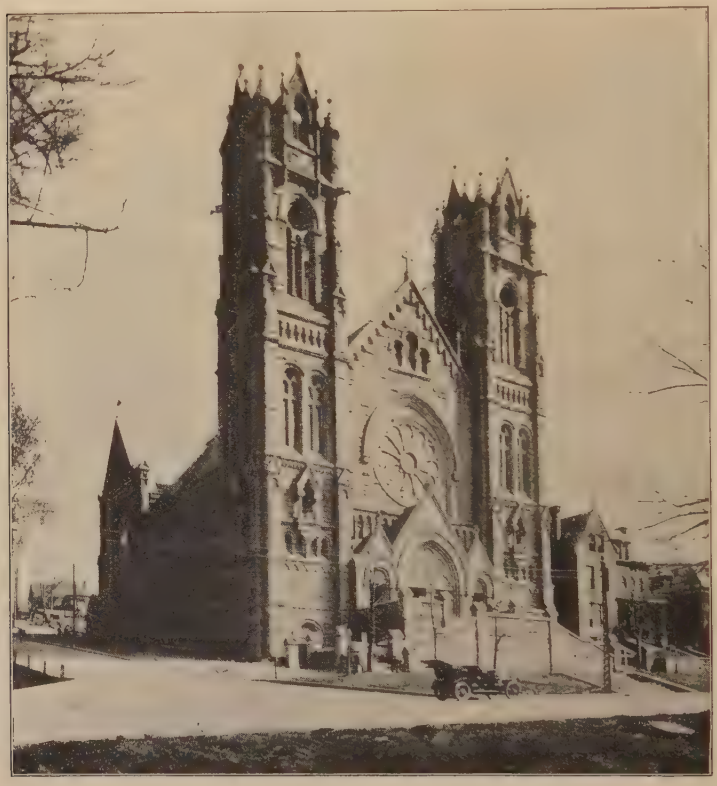
junction with a steam generating plant at Salt Lake City, electrical energy to the railway and lighting system and manufacturing institutions of Salt Lake City and Ogden. Hundreds of miles of transmission lines are used for this purpose. Logan has a power plant of its town, furnishing nearly all the

NEWHOUSE HOTEL.

electricity consumed by that city. The Telluride Company sells a portion of its power to the Utah Light and Traction Company, and with the remainder supplies mining camps and rural towns.

The Present Status.—Utah, with her twenty-eight counties, containing 124 cities and towns, has a collective population of 429,191, less than one-third of which is found in Salt Lake City, the capital of the State. While the principal occupations of the people are farming, stock-raising, mining and manufacturing, the learned professions and the fine arts have

many representatives among them. Educationally, Utah is proudly in advance of most of the States of the Union. The percentage of illiteracy for native whites is but 0.4, and for the entire population, including foreign born, but 2.5. The average death rate is 10.8 to the thousand; that of the whole



ST. MARY'S CATHEDRAL.

United States being 16.5. Apart from alms-houses and asylums, there are thirteen benevolent institutions in the State. Eight of these are hospitals, chief among them the St. Mark's, the Holy Cross, and the Dr. William H. Groves Latter-day Saints Hospital, in Salt Lake City. At Ogden, the State has an institution for the deaf, dumb, and blind. The Dee Hospital is also located there. The Industrial School at Ogden, and the Mental Hospital at Provo have already been mentioned. In different parts there are various charitable institutions, provided by private associations or religious bodies. The

GROVES L. D. S. HOSPITAL.

HOLY CROSS HOSPITAL.

National Guard, with headquarters at Salt Lake City, consists of cavalry, artillery and infantry, with hospital corps. Total strength, December 30, 1915, thirty-two officers and five hundred and twelve men. The assessed valuation of property of all kinds is $540,500,000.

Great Structures.—Utah has a number of great structures, some of palatial magnificence. Most of these are at

DEAF, DUMB AND BLIND INSTITUTE, OGDEN.

Salt Lake City. The Temple and the Tabernacle have long been noted. Among the edifices more recently constructed are the Saltair Pavilion, the Deseret News Building, St. Mary's Cathedral, the Boston and Newhouse Buildings, the Hotel Utah, the Walker Bank, the Newhouse Hotel, the State Capitol, and the General Church offices. Saltair, built in 1903, is the largest bathing pavilion in the world. The Hotel Utah was opened in 1912; the Newhouse in 1915. The State Capitol, constructed of native granite, at a cost of two and a half million dollars, stands on Capitol Hill, at the head of State Street, upon grounds set apart and improved for the purpose. Begun in April, 1913, the building was completed in July, 1915; the corner stone having been laid the year before.

A Final Word.—Utah's past is known—partly from the story told in these pages. Her present is an open book, which one may read at will. But what of the future—the unborn future? In what directions will the State expand, and what

will be the sum and crown of its achievements? The answers to these questions will be found, first, in the character of the people; second, in the resources of this wonderful and prolific region; third, in the vocations pursued and the institutions founded and fostered here. One thing is certain—the beginnings of a mighty empire have been laid, and there is little doubt that the superstructure yet to rise will be in every way

THE UTAH STATE CAPITOL.

worthy of the massive foundations. Let none be deceived, however, as to the true sources of strength, or the real substance of prosperity. Farms and factories, flocks and harvests, gold and silver, railroads and power plants—these are not the State of Utah, though they help to compose the commonwealth. They are of the body, without which the spirit would be imperfect; while the body without the spirit would be dead. The spirit of Utah is in the men and women of Utah. Her true wealth, her real prosperity, is in the virtue and integrity of her sons and daughters. In the character and intelligence of the people lie the strength and perpetuity of the State.

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